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**SUBSTITUTE HOUSE BILL 2314**

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**State of Washington**

**64th Legislature**

**2016 Regular Session**

**By** House Public Safety (originally sponsored by Representatives Goodman, Hayes, Pettigrew, Orcutt, Kilduff, Stanford, Fitzgibbon, Orwall, Magendanz, Kuderer, Fey, Senn, and Wilson)

READ FIRST TIME 01/28/16.

1 AN ACT Relating to the manufacture, sale, distribution, and  
2 installation of motor vehicle air bags; amending RCW 46.37.640,  
3 46.37.650, 46.37.660, 46.63.020, and 9.94A.515; creating a new  
4 section; and prescribing penalties.

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

6 **Sec. 1.** RCW 46.37.640 and 2003 c 33 s 1 are each amended to read  
7 as follows:

8 (1) "Air bag" means an inflatable restraint system or portion of  
9 an inflatable restraint system (~~((installed in a motor vehicle))~~)  
10 including, but not limited to, the cushion material, cover, sensors,  
11 controllers, inflators, and wiring that (a) operates in the event of  
12 a crash and (b) is designed in accordance with federal motor vehicle  
13 safety standards for the specific make, model, and year of the motor  
14 vehicle in which it is or will be installed.

15 (2) "Previously deployed air bag" means an inflatable restraint  
16 system or portion of the system that has been activated or inflated  
17 as a result of a collision or other incident involving the vehicle.

18 (3) "Nondeployed salvage air bag" means an inflatable restraint  
19 system that has not been previously activated or inflated as a result  
20 of a collision or other incident involving the vehicle.

1       (4) "Counterfeit air bag" means a replacement motor vehicle  
2 inflatable occupant restraint system, including all component parts  
3 including, but not limited to, the cushion material, cover, sensors,  
4 controllers, inflators, and wiring, displaying a mark identical or  
5 similar to the genuine mark of a motor vehicle manufacturer without  
6 authorization from the manufacturer.

7       (5) "Nonfunctional air bag" means a replacement motor vehicle  
8 inflatable occupant restraint system, including all component parts  
9 including, but not limited to, the cushion material, cover, sensors,  
10 controllers, inflators, and wiring, which: (a) Was previously  
11 deployed or damaged; (b) has an electric fault that is detected by  
12 the vehicle air bag diagnostic system after the installation  
13 procedure is completed; or (c) includes any part or object including,  
14 but not limited to, a counterfeit or repaired air bag cover,  
15 installed in a motor vehicle to mislead the owner or operator of the  
16 motor vehicle into believing that a functional air bag has been  
17 installed.

18       **Sec. 2.** RCW 46.37.650 and 2011 c 96 s 33 are each amended to  
19 read as follows:

20       (1) It is unlawful for a person (~~is guilty of a gross~~  
21 ~~misdemeanor if he or she knew or reasonably should have known that an~~  
22 ~~air bag he or she~~), with criminal negligence, to manufacture,  
23 import, sell, offer for sale, install(~~(s)~~), or reinstall(~~(s)~~) a  
24 device in a vehicle for compensation, or distribute(~~(s)~~) as an auto  
25 part, or replace a motor vehicle air bag, that: (a) Is a counterfeit  
26 air bag, (b) is a nonfunctional air bag, (c) is a previously deployed  
27 or damaged air bag that is part of an inflatable restraint system, or  
28 (d) otherwise does not meet all applicable federal safety standards  
29 for an air bag. This section does not apply to nondeployed salvage  
30 air bags that meet the requirements of RCW 46.37.660(1).

31       (2) A person (~~found guilty under subsection (1) of this section~~  
32 ~~shall be punished by a fine of not more than five thousand dollars or~~  
33 ~~by confinement in the county jail for up to three hundred sixty-four~~  
34 ~~days, or both~~) in violation of this section is guilty of a class C  
35 felony if the criminal negligence caused bodily injury as defined in  
36 RCW 9A.04.110 or death to another person.

37       (3) A person in violation of this section is guilty of a class C  
38 felony, regardless if the criminal negligence caused harm to another.

1       **Sec. 3.** RCW 46.37.660 and 2003 c 33 s 3 are each amended to read  
2 as follows:

3       (1)(a) Whenever an air bag that is part of a previously deployed  
4 inflatable restraint system is replaced by either a new air bag that  
5 is part of an inflatable restraint system or a nondeployed salvage  
6 air bag that is part of an inflatable restraint system, the air bag  
7 must conform to the original equipment manufacturer requirements and  
8 the installer must verify that the self-diagnostic system for the  
9 inflatable restraint system indicates that the entire inflatable  
10 restraint system is operating properly.

11       (b) A person in violation of this subsection (1) is guilty of a  
12 class C felony if the violation caused bodily injury as defined in  
13 RCW 9A.04.110 or death to another person.

14       (c) A person in violation of this subsection (1) is guilty of a  
15 class C felony, regardless if the violation caused harm to another.

16       (2)(a) No person may sell, install, or reinstall in any motor  
17 vehicle any device that causes the vehicle's diagnostic system to  
18 inaccurately indicate that the vehicle is equipped with a functional  
19 air bag when a counterfeit air bag, a nonfunctional air bag, or no  
20 air bag is installed. This subsection does not apply to nondeployed  
21 salvage air bags that meet the requirements of subsection (1) of this  
22 section.

23       (b) A person in violation of this subsection (2) is guilty of a  
24 class C felony if the violation caused bodily injury as defined in  
25 RCW 9A.04.110 or death to another person.

26       (c) A person in violation of this subsection (2) is guilty of a  
27 class C felony, regardless if the violation caused harm to another.

28       **Sec. 4.** RCW 46.63.020 and 2014 c 124 s 9 are each amended to  
29 read as follows:

30       Failure to perform any act required or the performance of any act  
31 prohibited by this title or an equivalent administrative regulation  
32 or local law, ordinance, regulation, or resolution relating to  
33 traffic including parking, standing, stopping, and pedestrian  
34 offenses, is designated as a traffic infraction and may not be  
35 classified as a criminal offense, except for an offense contained in  
36 the following provisions of this title or a violation of an  
37 equivalent administrative regulation or local law, ordinance,  
38 regulation, or resolution:

- 1 (1) RCW 46.09.457(1)(b)(i) relating to a false statement  
2 regarding the inspection of and installation of equipment on wheeled  
3 all-terrain vehicles;
- 4 (2) RCW 46.09.470(2) relating to the operation of a nonhighway  
5 vehicle while under the influence of intoxicating liquor or a  
6 controlled substance;
- 7 (3) RCW 46.09.480 relating to operation of nonhighway vehicles;
- 8 (4) RCW 46.10.490(2) relating to the operation of a snowmobile  
9 while under the influence of intoxicating liquor or narcotics or  
10 habit-forming drugs or in a manner endangering the person of another;
- 11 (5) RCW 46.10.495 relating to the operation of snowmobiles;
- 12 (6) Chapter 46.12 RCW relating to certificates of title,  
13 registration certificates, and markings indicating that a vehicle has  
14 been destroyed or declared a total loss;
- 15 (7) RCW 46.16A.030 and 46.16A.050(3) relating to the nonpayment  
16 of taxes and fees by failure to register a vehicle and falsifying  
17 residency when registering a motor vehicle;
- 18 (8) RCW 46.16A.520 relating to permitting unauthorized persons to  
19 drive;
- 20 (9) RCW 46.16A.320 relating to vehicle trip permits;
- 21 (10) RCW 46.19.050(1) relating to knowingly providing false  
22 information in conjunction with an application for a special placard  
23 or license plate for disabled persons' parking;
- 24 (11) RCW 46.19.050(8) relating to illegally obtaining a parking  
25 placard, special license plate, special year tab, or identification  
26 card;
- 27 (12) RCW 46.19.050(9) relating to sale of a parking placard,  
28 special license plate, special year tab, or identification card;
- 29 (13) RCW 46.20.005 relating to driving without a valid driver's  
30 license;
- 31 (14) RCW 46.20.091 relating to false statements regarding a  
32 driver's license or instruction permit;
- 33 (15) RCW 46.20.0921 relating to the unlawful possession and use  
34 of a driver's license;
- 35 (16) RCW 46.20.342 relating to driving with a suspended or  
36 revoked license or status;
- 37 (17) RCW 46.20.345 relating to the operation of a motor vehicle  
38 with a suspended or revoked license;

1 (18) RCW 46.20.410 relating to the violation of restrictions of  
2 an occupational driver's license, temporary restricted driver's  
3 license, or ignition interlock driver's license;

4 (19) RCW 46.20.740 relating to operation of a motor vehicle  
5 without an ignition interlock device in violation of a license  
6 notation that the device is required;

7 (20) RCW 46.20.750 relating to circumventing an ignition  
8 interlock device;

9 (21) RCW 46.25.170 relating to commercial driver's licenses;

10 (22) Chapter 46.29 RCW relating to financial responsibility;

11 (23) RCW 46.30.040 relating to providing false evidence of  
12 financial responsibility;

13 (24) RCW 46.35.030 relating to recording device information;

14 (25) RCW 46.37.435 relating to wrongful installation of  
15 sunscreening material;

16 (26) RCW 46.37.650 relating to the manufacture, importation,  
17 sale, ((resale,)) distribution, or installation of a counterfeit air  
18 bag, nonfunctional air bag, or previously deployed or damaged air  
19 bag;

20 (27) RCW 46.37.660 relating to the sale or installation of a  
21 device that causes a vehicle's diagnostic system to inaccurately  
22 indicate that the vehicle has a functional air bag when a counterfeit  
23 air bag, nonfunctional air bag, or no air bag is installed;

24 (28) RCW 46.37.671 through 46.37.675 relating to signal  
25 preemption devices;

26 ((+28+)) (29) RCW 46.37.685 relating to switching or flipping  
27 license plates, utilizing technology to flip or change the appearance  
28 of a license plate, selling a license plate flipping device or  
29 technology used to change the appearance of a license plate, or  
30 falsifying a vehicle registration;

31 ((+29+)) (30) RCW 46.44.180 relating to operation of mobile home  
32 pilot vehicles;

33 ((+30+)) (31) RCW 46.48.175 relating to the transportation of  
34 dangerous articles;

35 ((+31+)) (32) RCW 46.52.010 relating to duty on striking an  
36 unattended car or other property;

37 ((+32+)) (33) RCW 46.52.020 relating to duty in case of injury to  
38 or death of a person or damage to an attended vehicle;

39 ((+33+)) (34) RCW 46.52.090 relating to reports by repairers,  
40 storage persons, and appraisers;

1        ~~((34))~~ (35) RCW 46.52.130 relating to confidentiality of the  
2 driving record to be furnished to an insurance company, an employer,  
3 and an alcohol/drug assessment or treatment agency;  
4        ~~((35))~~ (36) RCW 46.55.020 relating to engaging in the  
5 activities of a registered tow truck operator without a registration  
6 certificate;  
7        ~~((36))~~ (37) RCW 46.55.035 relating to prohibited practices by  
8 tow truck operators;  
9        ~~((37))~~ (38) RCW 46.55.300 relating to vehicle immobilization;  
10       ~~((38))~~ (39) RCW 46.61.015 relating to obedience to police  
11 officers, flaggers, or firefighters;  
12       ~~((39))~~ (40) RCW 46.61.020 relating to refusal to give  
13 information to or cooperate with an officer;  
14       ~~((40))~~ (41) RCW 46.61.022 relating to failure to stop and give  
15 identification to an officer;  
16       ~~((41))~~ (42) RCW 46.61.024 relating to attempting to elude  
17 pursuing police vehicles;  
18       ~~((42))~~ (43) RCW 46.61.212(4) relating to reckless endangerment  
19 of emergency zone workers;  
20       ~~((43))~~ (44) RCW 46.61.500 relating to reckless driving;  
21       ~~((44))~~ (45) RCW 46.61.502 and 46.61.504 relating to persons  
22 under the influence of intoxicating liquor or drugs;  
23       ~~((45))~~ (46) RCW 46.61.503 relating to a person under age  
24 twenty-one driving a motor vehicle after consuming alcohol;  
25       ~~((46))~~ (47) RCW 46.61.520 relating to vehicular homicide by  
26 motor vehicle;  
27       ~~((47))~~ (48) RCW 46.61.522 relating to vehicular assault;  
28       ~~((48))~~ (49) RCW 46.61.5249 relating to first degree negligent  
29 driving;  
30       ~~((49))~~ (50) RCW 46.61.527(4) relating to reckless endangerment  
31 of roadway workers;  
32       ~~((50))~~ (51) RCW 46.61.530 relating to racing of vehicles on  
33 highways;  
34       ~~((51))~~ (52) RCW 46.61.655(7) (a) and (b) relating to failure to  
35 secure a load;  
36       ~~((52))~~ (53) RCW 46.61.685 relating to leaving children in an  
37 unattended vehicle with the motor running;  
38       ~~((53))~~ (54) RCW 46.61.740 relating to theft of motor vehicle  
39 fuel;

1           (~~(54)~~) (55) RCW 46.64.010 relating to unlawful cancellation of  
2 or attempt to cancel a traffic citation;

3           (~~(55)~~) (56) RCW 46.64.048 relating to attempting, aiding,  
4 abetting, coercing, and committing crimes;

5           (~~(56)~~) (57) Chapter 46.65 RCW relating to habitual traffic  
6 offenders;

7           (~~(57)~~) (58) RCW 46.68.010 relating to false statements made to  
8 obtain a refund;

9           (~~(58)~~) (59) Chapter 46.70 RCW relating to unfair motor vehicle  
10 business practices, except where that chapter provides for the  
11 assessment of monetary penalties of a civil nature;

12           (~~(59)~~) (60) Chapter 46.72 RCW relating to the transportation of  
13 passengers in for hire vehicles;

14           (~~(60)~~) (61) RCW 46.72A.060 relating to limousine carrier  
15 insurance;

16           (~~(61)~~) (62) RCW 46.72A.070 relating to operation of a limousine  
17 without a vehicle certificate;

18           (~~(62)~~) (63) RCW 46.72A.080 relating to false advertising by a  
19 limousine carrier;

20           (~~(63)~~) (64) Chapter 46.80 RCW relating to motor vehicle  
21 wreckers;

22           (~~(64)~~) (65) Chapter 46.82 RCW relating to driver's training  
23 schools;

24           (~~(65)~~) (66) RCW 46.87.260 relating to alteration or forgery of  
25 a cab card, letter of authority, or other temporary authority issued  
26 under chapter 46.87 RCW;

27           (~~(66)~~) (67) RCW 46.87.290 relating to operation of an  
28 unregistered or unlicensed vehicle under chapter 46.87 RCW.

29           **Sec. 5.** RCW 9.94A.515 and 2015 c 261 s 11 are each amended to  
30 read as follows:

31   TABLE 2

32   CRIMES INCLUDED WITHIN EACH  
33   SERIOUSNESS LEVEL

34                   XVI Aggravated Murder 1 (RCW 10.95.020)

35                   XV Homicide by abuse (RCW 9A.32.055)

36                   Malicious explosion 1 (RCW

37                   70.74.280(1))

1 Murder 1 (RCW 9A.32.030)  
2 XIV Murder 2 (RCW 9A.32.050)  
3 Trafficking 1 (RCW 9A.40.100(1))  
4 XIII Malicious explosion 2 (RCW  
5 70.74.280(2))  
6 Malicious placement of an explosive 1  
7 (RCW 70.74.270(1))  
8 XII Assault 1 (RCW 9A.36.011)  
9 Assault of a Child 1 (RCW 9A.36.120)  
10 Malicious placement of an imitation  
11 device 1 (RCW 70.74.272(1)(a))  
12 Promoting Commercial Sexual Abuse of  
13 a Minor (RCW 9.68A.101)  
14 Rape 1 (RCW 9A.44.040)  
15 Rape of a Child 1 (RCW 9A.44.073)  
16 Trafficking 2 (RCW 9A.40.100(3))  
17 XI Manslaughter 1 (RCW 9A.32.060)  
18 Rape 2 (RCW 9A.44.050)  
19 Rape of a Child 2 (RCW 9A.44.076)  
20 Vehicular Homicide, by being under the  
21 influence of intoxicating liquor or  
22 any drug (RCW 46.61.520)  
23 X Child Molestation 1 (RCW 9A.44.083)  
24 Criminal Mistreatment 1 (RCW  
25 9A.42.020)  
26 Indecent Liberties (with forcible  
27 compulsion) (RCW  
28 9A.44.100(1)(a))  
29 Kidnapping 1 (RCW 9A.40.020)  
30 Leading Organized Crime (RCW  
31 9A.82.060(1)(a))  
32 Malicious explosion 3 (RCW  
33 70.74.280(3))  
34 Sexually Violent Predator Escape (RCW  
35 9A.76.115)



1 IX Abandonment of Dependent Person 1  
2 (RCW 9A.42.060)  
3 Assault of a Child 2 (RCW 9A.36.130)  
4 Explosive devices prohibited (RCW  
5 70.74.180)  
6 Hit and Run—Death (RCW  
7 46.52.020(4)(a))  
8 Homicide by Watercraft, by being under  
9 the influence of intoxicating liquor  
10 or any drug (RCW 79A.60.050)  
11 Inciting Criminal Profiteering (RCW  
12 9A.82.060(1)(b))  
13 Malicious placement of an explosive 2  
14 (RCW 70.74.270(2))  
15 Robbery 1 (RCW 9A.56.200)  
16 Sexual Exploitation (RCW 9.68A.040)  
17 VIII Arson 1 (RCW 9A.48.020)  
18 Commercial Sexual Abuse of a Minor  
19 (RCW 9.68A.100)  
20 Homicide by Watercraft, by the  
21 operation of any vessel in a reckless  
22 manner (RCW 79A.60.050)  
23 Manslaughter 2 (RCW 9A.32.070)  
24 Promoting Prostitution 1 (RCW  
25 9A.88.070)  
26 Theft of Ammonia (RCW 69.55.010)  
27 Vehicular Homicide, by the operation of  
28 any vehicle in a reckless manner  
29 (RCW 46.61.520)  
30 VII Air bag diagnostic systems (causing  
31 bodily injury or death) (RCW  
32 46.37.660(2)(b))  
33 Air bag replacement requirements  
34 (causing bodily injury or death)  
35 (RCW 46.37.660(1)(b))

1 Burglary 1 (RCW 9A.52.020)  
2 Child Molestation 2 (RCW 9A.44.086)  
3 Civil Disorder Training (RCW  
4 9A.48.120)  
5 Counterfeit, nonfunctional, damaged, or  
6 previously deployed air bag  
7 (causing bodily injury or death)  
8 (RCW 46.37.650(2))  
9 Dealing in depictions of minor engaged  
10 in sexually explicit conduct 1  
11 (RCW 9.68A.050(1))  
12 Drive-by Shooting (RCW 9A.36.045)  
13 Homicide by Watercraft, by disregard  
14 for the safety of others (RCW  
15 79A.60.050)  
16 Indecent Liberties (without forcible  
17 compulsion) (RCW 9A.44.100(1)  
18 (b) and (c))  
19 Introducing Contraband 1 (RCW  
20 9A.76.140)  
21 Malicious placement of an explosive 3  
22 (RCW 70.74.270(3))  
23 Negligently Causing Death By Use of a  
24 Signal Preemption Device (RCW  
25 46.37.675)  
26 Sending, bringing into state depictions  
27 of minor engaged in sexually  
28 explicit conduct 1 (RCW  
29 9.68A.060(1))  
30 Unlawful Possession of a Firearm in the  
31 first degree (RCW 9.41.040(1))  
32 Use of a Machine Gun in Commission  
33 of a Felony (RCW 9.41.225)  
34 Vehicular Homicide, by disregard for  
35 the safety of others (RCW  
36 46.61.520)

1 VI Bail Jumping with Murder 1 (RCW  
2 9A.76.170(3)(a))  
3 Bribery (RCW 9A.68.010)  
4 Incest 1 (RCW 9A.64.020(1))  
5 Intimidating a Judge (RCW 9A.72.160)  
6 Intimidating a Juror/Witness (RCW  
7 9A.72.110, 9A.72.130)  
8 Malicious placement of an imitation  
9 device 2 (RCW 70.74.272(1)(b))  
10 Possession of Depictions of a Minor  
11 Engaged in Sexually Explicit  
12 Conduct 1 (RCW 9.68A.070(1))  
13 Rape of a Child 3 (RCW 9A.44.079)  
14 Theft of a Firearm (RCW 9A.56.300)  
15 Unlawful Storage of Ammonia (RCW  
16 69.55.020)  
17 V Abandonment of Dependent Person 2  
18 (RCW 9A.42.070)  
19 Advancing money or property for  
20 extortionate extension of credit  
21 (RCW 9A.82.030)  
22 Air bag diagnostic systems (RCW  
23 46.37.660(2)(c))  
24 Air bag replacement requirements  
25 (RCW 46.37.660(1)(c))  
26 Bail Jumping with class A Felony  
27 (RCW 9A.76.170(3)(b))  
28 Child Molestation 3 (RCW 9A.44.089)  
29 Counterfeit, nonfunctional, damaged, or  
30 previously deployed air bag (RCW  
31 46.37.650(3))  
32 Criminal Mistreatment 2 (RCW  
33 9A.42.030)  
34 Custodial Sexual Misconduct 1 (RCW  
35 9A.44.160)

1 Dealing in Depictions of Minor  
2 Engaged in Sexually Explicit  
3 Conduct 2 (RCW 9.68A.050(2))  
4 Domestic Violence Court Order  
5 Violation (RCW 10.99.040,  
6 10.99.050, 26.09.300, 26.10.220,  
7 26.26.138, 26.50.110, 26.52.070, or  
8 74.34.145)  
9 Driving While Under the Influence  
10 (RCW 46.61.502(6))  
11 Extortion 1 (RCW 9A.56.120)  
12 Extortionate Extension of Credit (RCW  
13 9A.82.020)  
14 Extortionate Means to Collect  
15 Extensions of Credit (RCW  
16 9A.82.040)  
17 Incest 2 (RCW 9A.64.020(2))  
18 Kidnapping 2 (RCW 9A.40.030)  
19 Perjury 1 (RCW 9A.72.020)  
20 Persistent prison misbehavior (RCW  
21 9.94.070)  
22 Physical Control of a Vehicle While  
23 Under the Influence (RCW  
24 46.61.504(6))  
25 Possession of a Stolen Firearm (RCW  
26 9A.56.310)  
27 Rape 3 (RCW 9A.44.060)  
28 Rendering Criminal Assistance 1 (RCW  
29 9A.76.070)  
30 Sending, Bringing into State Depictions  
31 of Minor Engaged in Sexually  
32 Explicit Conduct 2 (RCW  
33 9.68A.060(2))  
34 Sexual Misconduct with a Minor 1  
35 (RCW 9A.44.093)

1 Sexually Violating Human Remains  
2 (RCW 9A.44.105)  
3 Stalking (RCW 9A.46.110)  
4 Taking Motor Vehicle Without  
5 Permission 1 (RCW 9A.56.070)  
6 IV Arson 2 (RCW 9A.48.030)  
7 Assault 2 (RCW 9A.36.021)  
8 Assault 3 (of a Peace Officer with a  
9 Projectile Stun Gun) (RCW  
10 9A.36.031(1)(h))  
11 Assault by Watercraft (RCW  
12 79A.60.060)  
13 Bribing a Witness/Bribe Received by  
14 Witness (RCW 9A.72.090,  
15 9A.72.100)  
16 Cheating 1 (RCW 9.46.1961)  
17 Commercial Bribery (RCW 9A.68.060)  
18 Counterfeiting (RCW 9.16.035(4))  
19 Endangerment with a Controlled  
20 Substance (RCW 9A.42.100)  
21 Escape 1 (RCW 9A.76.110)  
22 Hit and Run—Injury (RCW  
23 46.52.020(4)(b))  
24 Hit and Run with Vessel—Injury  
25 Accident (RCW 79A.60.200(3))  
26 Identity Theft 1 (RCW 9.35.020(2))  
27 Indecent Exposure to Person Under Age  
28 Fourteen (subsequent sex offense)  
29 (RCW 9A.88.010)  
30 Influencing Outcome of Sporting Event  
31 (RCW 9A.82.070)  
32 Malicious Harassment (RCW  
33 9A.36.080)

1 Possession of Depictions of a Minor  
2 Engaged in Sexually Explicit  
3 Conduct 2 (RCW 9.68A.070(2))  
4 Residential Burglary (RCW 9A.52.025)  
5 Robbery 2 (RCW 9A.56.210)  
6 Theft of Livestock 1 (RCW 9A.56.080)  
7 Threats to Bomb (RCW 9.61.160)  
8 Trafficking in Stolen Property 1 (RCW  
9 9A.82.050)  
10 Unlawful factoring of a credit card or  
11 payment card transaction (RCW  
12 9A.56.290(4)(b))  
13 Unlawful transaction of health coverage  
14 as a health care service contractor  
15 (RCW 48.44.016(3))  
16 Unlawful transaction of health coverage  
17 as a health maintenance  
18 organization (RCW 48.46.033(3))  
19 Unlawful transaction of insurance  
20 business (RCW 48.15.023(3))  
21 Unlicensed practice as an insurance  
22 professional (RCW 48.17.063(2))  
23 Use of Proceeds of Criminal  
24 Profiteering (RCW 9A.82.080 (1)  
25 and (2))  
26 Vehicle Prowling 2 (third or subsequent  
27 offense) (RCW 9A.52.100(3))  
28 Vehicular Assault, by being under the  
29 influence of intoxicating liquor or  
30 any drug, or by the operation or  
31 driving of a vehicle in a reckless  
32 manner (RCW 46.61.522)  
33 Viewing of Depictions of a Minor  
34 Engaged in Sexually Explicit  
35 Conduct 1 (RCW 9.68A.075(1))

1 Willful Failure to Return from Furlough  
2 (RCW 72.66.060)

3 III Animal Cruelty 1 (Sexual Conduct or  
4 Contact) (RCW 16.52.205(3))

5 Assault 3 (Except Assault 3 of a Peace  
6 Officer With a Projectile Stun Gun)  
7 (RCW 9A.36.031 except subsection  
8 (1)(h))

9 Assault of a Child 3 (RCW 9A.36.140)

10 Bail Jumping with class B or C Felony  
11 (RCW 9A.76.170(3)(c))

12 Burglary 2 (RCW 9A.52.030)

13 Communication with a Minor for  
14 Immoral Purposes (RCW  
15 9.68A.090)

16 Criminal Gang Intimidation (RCW  
17 9A.46.120)

18 Custodial Assault (RCW 9A.36.100)

19 Cyberstalking (subsequent conviction or  
20 threat of death) (RCW 9.61.260(3))

21 Escape 2 (RCW 9A.76.120)

22 Extortion 2 (RCW 9A.56.130)

23 Harassment (RCW 9A.46.020)

24 Intimidating a Public Servant (RCW  
25 9A.76.180)

26 Introducing Contraband 2 (RCW  
27 9A.76.150)

28 Malicious Injury to Railroad Property  
29 (RCW 81.60.070)

30 Mortgage Fraud (RCW 19.144.080)

31 Negligently Causing Substantial Bodily  
32 Harm By Use of a Signal  
33 Preemption Device (RCW  
34 46.37.674)

1 Organized Retail Theft 1 (RCW  
2 9A.56.350(2))  
3 Perjury 2 (RCW 9A.72.030)  
4 Possession of Incendiary Device (RCW  
5 9.40.120)  
6 Possession of Machine Gun or Short-  
7 Barreled Shotgun or Rifle (RCW  
8 9.41.190)  
9 Promoting Prostitution 2 (RCW  
10 9A.88.080)  
11 Retail Theft with Special Circumstances  
12 1 (RCW 9A.56.360(2))  
13 Securities Act violation (RCW  
14 21.20.400)  
15 Tampering with a Witness (RCW  
16 9A.72.120)  
17 Telephone Harassment (subsequent  
18 conviction or threat of death) (RCW  
19 9.61.230(2))  
20 Theft of Livestock 2 (RCW 9A.56.083)  
21 Theft with the Intent to Resell 1 (RCW  
22 9A.56.340(2))  
23 Trafficking in Stolen Property 2 (RCW  
24 9A.82.055)  
25 Unlawful Hunting of Big Game 1 (RCW  
26 77.15.410(3)(b))  
27 Unlawful Imprisonment (RCW  
28 9A.40.040)  
29 Unlawful Misbranding of Food Fish or  
30 Shellfish 1 (RCW 69.04.938(3))  
31 Unlawful possession of firearm in the  
32 second degree (RCW 9.41.040(2))  
33 Unlawful Taking of Endangered Fish or  
34 Wildlife 1 (RCW 77.15.120(3)(b))



1 Unlawful Trafficking in Fish, Shellfish,  
2 or Wildlife 1 (RCW  
3 77.15.260(3)(b))  
4 Unlawful Use of a Nondesignated  
5 Vessel (RCW 77.15.530(4))  
6 Vehicular Assault, by the operation or  
7 driving of a vehicle with disregard  
8 for the safety of others (RCW  
9 46.61.522)  
10 Willful Failure to Return from Work  
11 Release (RCW 72.65.070)  
12 II Commercial Fishing Without a License  
13 1 (RCW 77.15.500(3)(b))  
14 Computer Trespass 1 (RCW 9A.52.110)  
15 Counterfeiting (RCW 9.16.035(3))  
16 Engaging in Fish Dealing Activity  
17 Unlicensed 1 (RCW 77.15.620(3))  
18 Escape from Community Custody  
19 (RCW 72.09.310)  
20 Failure to Register as a Sex Offender  
21 (second or subsequent offense)  
22 (RCW 9A.44.130 prior to June 10,  
23 2010, and RCW 9A.44.132)  
24 Health Care False Claims (RCW  
25 48.80.030)  
26 Identity Theft 2 (RCW 9.35.020(3))  
27 Improperly Obtaining Financial  
28 Information (RCW 9.35.010)  
29 Malicious Mischief 1 (RCW 9A.48.070)  
30 Organized Retail Theft 2 (RCW  
31 9A.56.350(3))  
32 Possession of Stolen Property 1 (RCW  
33 9A.56.150)  
34 Possession of a Stolen Vehicle (RCW  
35 9A.56.068)

1 Retail Theft with Special Circumstances  
2 2 (RCW 9A.56.360(3))  
3 Scrap Processing, Recycling, or  
4 Supplying Without a License  
5 (second or subsequent offense)  
6 (RCW 19.290.100)  
7 Theft 1 (RCW 9A.56.030)  
8 Theft of a Motor Vehicle (RCW  
9 9A.56.065)  
10 Theft of Rental, Leased, or Lease-  
11 purchased Property (valued at one  
12 thousand five hundred dollars or  
13 more) (RCW 9A.56.096(5)(a))  
14 Theft with the Intent to Resell 2 (RCW  
15 9A.56.340(3))  
16 Trafficking in Insurance Claims (RCW  
17 48.30A.015)  
18 Unlawful factoring of a credit card or  
19 payment card transaction (RCW  
20 9A.56.290(4)(a))  
21 Unlawful Participation of Non-Indians  
22 in Indian Fishery (RCW  
23 77.15.570(2))  
24 Unlawful Practice of Law (RCW  
25 2.48.180)  
26 Unlawful Purchase or Use of a License  
27 (RCW 77.15.650(3)(b))  
28 Unlawful Trafficking in Fish, Shellfish,  
29 or Wildlife 2 (RCW  
30 77.15.260(3)(a))  
31 Unlicensed Practice of a Profession or  
32 Business (RCW 18.130.190(7))  
33 Voyeurism (RCW 9A.44.115)  
34 I Attempting to Elude a Pursuing Police  
35 Vehicle (RCW 46.61.024)

1 False Verification for Welfare (RCW  
2 74.08.055)  
3 Forgery (RCW 9A.60.020)  
4 Fraudulent Creation or Revocation of a  
5 Mental Health Advance Directive  
6 (RCW 9A.60.060)  
7 Malicious Mischief 2 (RCW 9A.48.080)  
8 Mineral Trespass (RCW 78.44.330)  
9 Possession of Stolen Property 2 (RCW  
10 9A.56.160)  
11 Reckless Burning 1 (RCW 9A.48.040)  
12 Spotlighting Big Game 1 (RCW  
13 77.15.450(3)(b))  
14 Suspension of Department Privileges 1  
15 (RCW 77.15.670(3)(b))  
16 Taking Motor Vehicle Without  
17 Permission 2 (RCW 9A.56.075)  
18 Theft 2 (RCW 9A.56.040)  
19 Theft of Rental, Leased, or Lease-  
20 purchased Property (valued at two  
21 hundred fifty dollars or more but  
22 less than one thousand five hundred  
23 dollars) (RCW 9A.56.096(5)(b))  
24 Transaction of insurance business  
25 beyond the scope of licensure  
26 (RCW 48.17.063)  
27 Unlawful Fish and Shellfish Catch  
28 Accounting (RCW 77.15.630(3)(b))  
29 Unlawful Issuance of Checks or Drafts  
30 (RCW 9A.56.060)  
31 Unlawful Possession of Fictitious  
32 Identification (RCW 9A.56.320)  
33 Unlawful Possession of Instruments of  
34 Financial Fraud (RCW 9A.56.320)  
35 Unlawful Possession of Payment  
36 Instruments (RCW 9A.56.320)

1 Unlawful Possession of a Personal  
2 Identification Device (RCW  
3 9A.56.320)  
4 Unlawful Production of Payment  
5 Instruments (RCW 9A.56.320)  
6 Unlawful Releasing, Planting,  
7 Possessing, or Placing Deleterious  
8 Exotic Wildlife (RCW  
9 77.15.250(2)(b))  
10 Unlawful Trafficking in Food Stamps  
11 (RCW 9.91.142)  
12 Unlawful Use of Food Stamps (RCW  
13 9.91.144)  
14 Unlawful Use of Net to Take Fish 1  
15 (RCW 77.15.580(3)(b))  
16 Unlawful Use of Prohibited Aquatic  
17 Animal Species (RCW  
18 77.15.253(3))  
19 Vehicle Prowl 1 (RCW 9A.52.095)  
20 Violating Commercial Fishing Area or  
21 Time 1 (RCW 77.15.550(3)(b))

22 NEW SECTION. **Sec. 6.** The legislature finds that the practices  
23 covered by this act are matters vitally affecting the public interest  
24 for the purpose of applying the consumer protection act, chapter  
25 19.86 RCW. A violation of this act is not reasonable in relation to  
26 the development and preservation of business and is an unfair or  
27 deceptive act in trade or commerce and an unfair method of  
28 competition for the purpose of applying the consumer protection act,  
29 chapter 19.86 RCW.

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