

E2SHB 1815 - S AMD  
By Senator

ADOPTED AND ENGROSSED 3/4/2022

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that rates of  
4 catalytic converter theft have rapidly increased statewide and  
5 nationwide, due in part to existing challenges with accurately  
6 identifying stolen catalytic converters. The legislature further  
7 finds that victims of catalytic converter theft often incur costs  
8 that far exceed the monetary value of the catalytic converters  
9 themselves. The legislature further finds that catalytic converter  
10 theft is a multifaceted issue that requires collaborative effort  
11 between law enforcement agencies, insurance companies, scrap metal  
12 dealers, and other involved parties to identify comprehensive  
13 solutions.

14 Therefore, the legislature intends to carefully examine the  
15 catalytic converter theft issues in Washington state and conduct a  
16 study to make a variety of recommendations to the legislature,  
17 including recommendations for a potential pilot program, to reduce  
18 the occurrence of catalytic converter theft. The legislature further  
19 intends to provide funding for a grant program focused on metal theft  
20 and unlawfully obtained metal.

21 NEW SECTION. **Sec. 2.** (1) The Washington State University shall  
22 convene a catalytic converter theft work group to study and provide  
23 options and recommendations related to reducing catalytic converter  
24 theft in Washington state.

25 (2) The work group shall consist of, but is not limited to,  
26 members representing the following:

27 (a) One member representing the Washington state patrol;

28 (b) One member representing the Washington association of  
29 sheriffs and police chiefs;

30 (c) One member representing the Washington association of  
31 prosecuting attorneys;

- 1 (d) One member representing the office of public defense;
- 2 (e) One member representing the superior court judges'
- 3 association;
- 4 (f) One member representing the district and municipal court
- 5 judges' association;
- 6 (g) One member representing the association of Washington cities;
- 7 (h) One member representing the office of the attorney general;
- 8 (i) One member representing the property and casualty insurance
- 9 industry;
- 10 (j) One member representing the scrap metal recycling industry;
- 11 (k) One member representing the auto dealer industry;
- 12 (l) One member representing the auto manufacturer industry;
- 13 (m) One member representing the catalytic converter manufacturer
- 14 industry;
- 15 (n) One member representing the towing and recovery association
- 16 of Washington;
- 17 (o) One member representing the Washington state independent auto
- 18 dealers association;
- 19 (p) One member representing the Washington independent business
- 20 association;
- 21 (q) One member representing the Washington organized retail crime
- 22 association; and
- 23 (r) Two members representing individuals with lived experience
- 24 being charged with, or convicted of, organized theft.
- 25 (3) The work group's study shall include, but is not limited to,
- 26 the following:
- 27 (a) A review of state laws related to catalytic converter theft;
- 28 (b) A review of national efforts to address catalytic converter
- 29 theft to determine whether there are best practices from other
- 30 jurisdictions on how to effectively deter and end catalytic converter
- 31 theft;
- 32 (c) Data collection and analysis of catalytic converter theft
- 33 incidents across the state;
- 34 (d) Options to deter and end catalytic converter theft, including
- 35 marking of catalytic converters;
- 36 (e) Options and opportunities to reduce costs to victims of
- 37 catalytic converter theft; and
- 38 (f) A review of the effectiveness of the grant and training
- 39 program created under RCW 36.28A.240.

1 (4) The work group's recommendations shall include, but are not  
2 limited to, the following:

3 (a) Changes to state law to reduce catalytic converter theft;

4 (b) A potential pilot program that could be implemented to  
5 decrease catalytic converter theft, including by prioritizing  
6 communities with the highest incidence of catalytic converter theft  
7 or communities experiencing the most financial impact due to  
8 catalytic converter theft; and

9 (c) Cost estimates for the pilot program and recommendations on  
10 evaluation criteria and metrics to determine the efficacy and  
11 benefits of the pilot program.

12 (5) The work group shall provide a preliminary report and  
13 recommendations to the transportation and public safety committees of  
14 the legislature by November 1, 2022. The work group shall provide a  
15 final report and recommendations, including recommendations on a  
16 potential pilot program, to the transportation and public safety  
17 committees of the legislature by January 1, 2023.

18 **Sec. 3.** RCW 19.290.020 and 2013 c 322 s 5 are each amended to  
19 read as follows:

20 (1) At the time of a transaction, every scrap metal business  
21 doing business in this state shall produce wherever that business is  
22 conducted an accurate and legible record of each transaction  
23 involving private metal property or nonferrous metal property. This  
24 record must be written in the English language, documented on a  
25 standardized form or in electronic form, and contain the following  
26 information:

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

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

30 (c) The name of the employee representing the scrap metal  
31 business in the transaction;

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

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

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

1 (g) The current driver's license number or other government-  
2 issued picture identification card number of the seller or a copy of  
3 the seller's government-issued picture identification card; (~~and~~)

4 (h) A description of the predominant types of private metal  
5 property or nonferrous metal property subject to the transaction,  
6 utilizing the institute of scrap recycling industries' generally  
7 accepted terminology, and including weight, quantity, or volume; and

8 (i) For every transaction specifically involving a catalytic  
9 converter that has been removed from a vehicle, documentation  
10 indicating that the private metal property in the seller's possession  
11 is the result of the seller replacing private metal property from a  
12 vehicle registered in the seller's name.

13 (2) For every transaction that involves private metal property or  
14 nonferrous metal property, every scrap metal business doing business  
15 in the state shall require the person with whom a transaction is  
16 being made to sign a declaration. The declaration may be included as  
17 part of the transactional record required under subsection (1) of  
18 this section, or on a receipt for the transaction. The declaration  
19 must state substantially the following:

20 "I, the undersigned, affirm under penalty of law that the  
21 property that is subject to this transaction is not to the best of my  
22 knowledge stolen property."

23 The declaration must be signed and dated by the person with whom  
24 the transaction is being made. An employee of the scrap metal  
25 business must witness the signing and dating of the declaration and  
26 sign the declaration accordingly before any transaction may be  
27 consummated.

28 (3) The record and declaration required under this section must  
29 be open to the inspection of any commissioned law enforcement officer  
30 of the state or any of its political subdivisions at all times during  
31 the ordinary hours of business, or at reasonable times if ordinary  
32 hours of business are not kept, and must be maintained wherever that  
33 business is conducted for five years following the date of the  
34 transaction.

35 **Sec. 4.** RCW 19.290.030 and 2013 c 322 s 6 are each amended to  
36 read as follows:

37 (1) No scrap metal business may enter into a transaction to  
38 purchase or receive private metal property or nonferrous metal  
39 property from any person who cannot produce at least one piece of

1 current government-issued picture identification, including a valid  
2 driver's license or identification card issued by any state.

3 (2) No scrap metal business may purchase or receive private metal  
4 property or commercial metal property unless the seller: (a) Has a  
5 commercial account with the scrap metal business; (b) can prove  
6 ownership of the property by producing written documentation that the  
7 seller is the owner of the property; or (c) can produce written  
8 documentation that the seller is an employee or agent authorized to  
9 sell the property on behalf of a commercial enterprise.

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

14 (4) (a) No transaction involving private metal property or  
15 nonferrous metal property may be made in cash or with any person who  
16 does not provide a street address and photographic identification  
17 under the requirements of RCW 19.290.020(1) (d) and (g) except as  
18 described in (b) and (c) of this subsection. The person with whom the  
19 transaction is being made may only be paid by a nontransferable  
20 check, mailed by the scrap metal business to a street address  
21 provided under RCW 19.290.020, no earlier than three days after the  
22 transaction was made. A transaction occurs on the date provided in  
23 the record required under RCW 19.290.020.

24 (b) A scrap metal business that is in compliance with this  
25 chapter (~~that~~) may pay up to a maximum of \$30 in cash, stored value  
26 device, or electronic funds transfer for nonferrous metal property.  
27 The balance of the value of the transaction may be made by  
28 nontransferable check, stored value device, or electronic funds  
29 transfer at the time the transaction is made if the scrap metal  
30 business digitally captures:

31 (i) A copy of one piece of current government-issued picture  
32 identification, including a current driver's license or  
33 identification card issued by any state; and

34 (ii) (~~either~~) Either a picture or video of either the material  
35 subject to the transaction in the form received or the material  
36 subject to the transaction within the vehicle which the material was  
37 transported to the scrap metal business (~~, may pay up to a maximum of~~  
38 ~~thirty dollars in cash, stored value device, or electronic funds~~  
39 ~~transfer. The balance of the value of the transaction may be made by~~  
40 ~~nontransferable check, stored value device, or electronic funds~~

1 transfer at the time the transaction is made. A scrap metal  
2 business's usage of video surveillance shall be sufficient to comply  
3 with this subsection (4)(b)(ii) as long as the video captures the  
4 material subject to the transaction. A digital image or picture taken  
5 under this subsection must be available for two years from the date  
6 of transaction, while a video recording must be available for thirty  
7 days)).

8 (c) Payment to individual sellers of private metal property as  
9 defined in this chapter may not be made at the time of the  
10 transaction and shall not be paid earlier than three business days  
11 after the transaction was made. Records of payment for private metal  
12 property as defined in this chapter must be kept in the same file or  
13 record as all records collected under this subsection and retained  
14 and be available for review for two years from the date of the  
15 transaction.

16 (5)(a) A scrap metal business's usage of video surveillance shall  
17 be sufficient to comply with subsection (4)(b)(ii) of this section so  
18 long as the video captures the material subject to the transaction.

19 (b) A digital image or picture taken under this section must be  
20 available for two years from the date of transaction, while a video  
21 recording must be available for 30 days.

22 (6) No scrap metal business may purchase or receive beer kegs  
23 from anyone except a manufacturer of beer kegs or licensed brewery.

24 **Sec. 5.** RCW 19.290.070 and 2013 c 322 s 10 are each amended to  
25 read as follows:

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

27 ~~((1))~~ (a) Any person to deliberately remove, alter, or  
28 obliterate any manufacturer's make, model, or serial number, personal  
29 identification number, or identifying marks engraved or etched upon  
30 an item of private metal property, nonferrous metal property, or  
31 commercial metal property in order to deceive a scrap metal business;

32 ~~((2))~~ (b) Any scrap metal business to enter into a transaction  
33 to purchase or receive any private metal property, nonferrous metal  
34 property, or commercial metal property where the manufacturer's make,  
35 model, or serial number, personal identification number, or  
36 identifying marks engraved or etched upon the property have been  
37 deliberately and conspicuously removed, altered, or obliterated;

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

4        (~~(4)~~) (d) Any scrap metal business to enter into a transaction  
5 to purchase or receive private metal property, nonferrous metal  
6 property, or commercial metal property from any person under the age  
7 of (~~(eighteen)~~) 18 years or any person who is discernibly under the  
8 influence of intoxicating liquor or drugs;

9        (~~(5)~~) (e) Any scrap metal business to enter into a transaction  
10 to purchase or receive private metal property, nonferrous metal  
11 property, or commercial metal property with anyone whom the scrap  
12 metal business has been informed by a law enforcement agency to have  
13 been convicted of a crime involving drugs, burglary, robbery, theft,  
14 or possession of or receiving stolen property, manufacturing,  
15 delivering, or possessing with intent to deliver methamphetamine, or  
16 possession of ephedrine or any of its salts or isomers or salts of  
17 isomers, pseudoephedrine or any of its salts or isomers or salts of  
18 isomers, or anhydrous ammonia with intent to manufacture  
19 methamphetamine within the past four years whether the person is  
20 acting in his or her own behalf or as the agent of another;

21        (~~(6)~~) (f) Any person to sign the declaration required under RCW  
22 19.290.020 knowing that the private metal property or nonferrous  
23 metal property subject to the transaction is stolen. The signature of  
24 a person on the declaration required under RCW 19.290.020 constitutes  
25 evidence of intent to defraud a scrap metal business if that person  
26 is found to have known that the private metal property or nonferrous  
27 metal property subject to the transaction was stolen;

28        (~~(7)~~) (g) Any scrap metal business to possess private metal  
29 property or commercial metal property that was not lawfully purchased  
30 or received under the requirements of this chapter;

31        (~~(8)~~) (h) Any scrap metal business to engage in a series of  
32 transactions valued at less than (~~(thirty dollars)~~) \$30 with the same  
33 seller for the purposes of avoiding the requirements of RCW  
34 19.290.030(4); or

35        (~~(9)~~) (i) Any person to knowingly make a false or fictitious  
36 oral or written statement or to furnish or exhibit any false,  
37 fictitious, or misrepresented identification, with the intent to  
38 deceive a scrap metal business as to the actual seller of the scrap  
39 metal.

1 (2) Notwithstanding any fines imposed as part of the sentence  
2 under this section, each offense is punishable by a \$1,000 fine per  
3 catalytic converter, 10 percent of which shall be directed to the no-  
4 buy list database program in RCW 43.43.885, and the remainder shall  
5 be directed to the Washington association of sheriffs and police  
6 chiefs solely for grants issued under RCW 36.28A.240.

7 (3)(a) Facilitating the offer of used catalytic converters for  
8 sale without first verifying proof of ownership of the catalytic  
9 converter, or failing to retain verified records of ownership of used  
10 catalytic converters offered for sale for at least two years, is an  
11 unfair or deceptive act or practice or unfair method of competition  
12 in the conduct of trade or commerce for purposes of the consumer  
13 protection act, chapter 19.86 RCW.

14 (b) All damages awarded to the state of Washington under chapter  
15 19.86 RCW shall be distributed as follows:

16 (i) Ninety percent to the grant and training program in RCW  
17 36.28A.240; and

18 (ii) Ten percent to the no-buy list database program in RCW  
19 43.43.885.

20 NEW SECTION. Sec. 6. A new section is added to chapter 46.80  
21 RCW to read as follows:

22 Payment to individual sellers of private metal property as  
23 defined in RCW 19.290.010 may not be made at the time of the  
24 transaction and shall not be paid earlier than three business days  
25 after the transaction was made.

26 No transaction involving catalytic converters may be made in cash  
27 or with any person who does not provide a street address and  
28 photographic identification. The person with whom the transaction is  
29 being made may only be paid by a nontransferable check, mailed by the  
30 licensed auto wrecker to a street address recorded according to RCW  
31 46.80.080, no earlier than three days after the transaction was made.  
32 A transaction occurs on the date provided in the record required  
33 under RCW 46.80.080.

34 **Sec. 7.** RCW 46.80.080 and 1999 c 278 s 2 are each amended to  
35 read as follows:

36 (1) Every vehicle wrecker shall maintain books or files in which  
37 the wrecker shall keep a record and a description of:

1 (a) Every vehicle wrecked, dismantled, disassembled, or  
2 substantially altered by the wrecker; and

3 (b) Every major component part, including catalytic converters,  
4 acquired by the wrecker; together with a bill of sale signed by a  
5 seller whose identity has been verified and the name and address of  
6 the person, firm, or corporation from whom the wrecker purchased the  
7 vehicle or part. Major component parts other than cores shall be  
8 further identified by the vehicle identification number of the  
9 vehicle from which the part came.

10 (2) The record shall also contain the following data regarding  
11 the wrecked or acquired vehicle or vehicle that is the source of a  
12 major component part, including catalytic converters, other than a  
13 core:

14 (a) The certificate of title number (if previously titled in this  
15 or any other state);

16 (b) Name of state where last registered;

17 (c) Number of the last license number plate issued;

18 (d) Name of vehicle;

19 (e) Motor or identification number and serial number of the  
20 vehicle;

21 (f) Date purchased;

22 (g) Disposition of the motor and chassis;

23 (h) Yard number assigned by the licensee to the vehicle or major  
24 component part, which shall also appear on the identified vehicle or  
25 part; and

26 (i) Such other information as the department may require.

27 (3) The records shall also contain a bill of sale signed by the  
28 seller for other minor component parts, including catalytic  
29 converters, acquired by the licensee, identifying the seller by name,  
30 address, and date of sale.

31 (4) The records shall be maintained by the licensee at his or her  
32 established place of business for a period of three years from the  
33 date of acquisition.

34 (5) The record is subject to inspection at all times during  
35 regular business hours by members of the police department, sheriff's  
36 office, members of the Washington state patrol, or officers or  
37 employees of the department.

38 (6) A vehicle wrecker shall also maintain a similar record of all  
39 disabled vehicles that have been towed or transported to the vehicle  
40 wrecker's place of business or to other places designated by the

1 owner of the vehicle or his or her representative. This record shall  
2 specify the name and description of the vehicle, name of owner,  
3 number of license plate, condition of the vehicle and place to which  
4 it was towed or transported.

5 (7) Failure to comply with this section is a gross misdemeanor.

6 **Sec. 8.** RCW 36.28A.240 and 2013 c 322 s 24 are each amended to  
7 read as follows:

8 (1) (~~When funded~~) To the extent funds are appropriated, the  
9 Washington association of sheriffs and police chiefs shall  
10 (establish) develop a comprehensive state law enforcement strategy  
11 targeting metal theft in consultation with the criminal justice  
12 training commission, including:

13 (a) Development of best practices for targeting illegal  
14 purchasers and sellers involved in metal theft, with specific  
15 enforcement focus on catalytic converter theft;

16 (b) Strategies for development and maintenance of relationships  
17 between local law enforcement agencies and licensed scrap metal  
18 recyclers, including recommendations for scheduled or regular  
19 interactions, with a focus on deterring unlawful purchases and  
20 identifying individuals suspected of involvement in unlawful metal  
21 theft and individuals who attempt to conduct a transaction while  
22 under the influence of controlled substances; and

23 (c) Establishment of a grant and training program to assist local  
24 law enforcement agencies in the support of special enforcement  
25 (emphasis) targeting metal theft. Grant applications shall be  
26 reviewed (and awarded through peer review panels) by the Washington  
27 association of sheriffs and police chiefs in consultation with other  
28 appropriate entities, such as those involved in enforcement against  
29 metal theft. Grant applicants with a demonstrated increase in metal  
30 theft over the previous 24 months are encouraged to (utilize  
31 multijurisdictional efforts) focus solely on metal theft and  
32 unlawful purchasing and selling of unlawfully obtained metal in their  
33 jurisdiction, but may coordinate with other jurisdictions.

34 (2) Each grant applicant shall:

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

37 (b) (~~Verify that grant awards are sufficient to cover increased~~  
38 ~~investigation, prosecution, and jail costs;~~

1       ~~(c) Design~~) Propose an enforcement program that best suits the  
2 specific metal theft problem in the jurisdiction (~~or jurisdictions~~  
3 ~~receiving the grant~~), including the number of enforcement stings to  
4 be conducted under the program;

5       ~~((d))~~ (c) Demonstrate community coordination focusing on  
6 prevention, intervention, and suppression; and

7       ~~((e))~~ (d) Collect data on performance, including the number of  
8 enforcement stings to be conducted.

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

12       ~~(4))~~ Grant awards may not be used to supplant preexisting  
13 funding sources for special enforcement targeting metal theft.

14       **Sec. 9.** RCW 43.43.885 and 2013 c 322 s 31 are each amended to  
15 read as follows:

16       (1) Beginning on July 1, 2014, ~~((when funded))~~ to the extent  
17 funds are appropriated, the Washington association of sheriffs and  
18 police chiefs shall implement and operate an ongoing electronic  
19 statewide no-buy list database program.

20       (2) The database must be made available on a secured network or  
21 website.

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

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

1       (5) The database shall also include individuals who have  
2 attempted to purchase or sell unlawfully obtained metals at licensed  
3 scrap metal recyclers and individuals who attempt to conduct a  
4 transaction while under the influence of controlled substances.

5       (6) Local jurisdictions applying for grants under RCW 36.28A.240  
6 must provide updates to the no-buy list database annually and 120  
7 days after a grant is distributed.

8       NEW SECTION. Sec. 10. RCW 19.290.070 is recodified as a section  
9 in chapter 9A.56 RCW.

10       NEW SECTION. Sec. 11. Section 4 of this act is necessary for  
11 the immediate preservation of the public peace, health, or safety, or  
12 support of the state government and its existing public institutions,  
13 and takes effect May 1, 2022.

14       NEW SECTION. Sec. 12. Except for sections 4 through 7 of this  
15 act, this act is necessary for the immediate preservation of the  
16 public peace, health, or safety, or support of the state government  
17 and its existing public institutions, and takes effect immediately.

18       NEW SECTION. Sec. 13. Sections 5 through 7 of this act take  
19 effect July 1, 2022."

**E2SHB 1815** - S AMD  
By Senator

**ADOPTED AND ENGROSSED 3/4/2022**

20       On page 1, line 1 of the title, after "theft;" strike the  
21 remainder of the title and insert "amending RCW 19.290.020,  
22 19.290.030, 19.290.070, 46.80.080, 36.28A.240, and 43.43.885; adding  
23 a new section to chapter 46.80 RCW; adding a new section to chapter  
24 9A.56 RCW; creating new sections; recodifying RCW 19.290.070;  
25 prescribing penalties; providing effective dates; and declaring an  
26 emergency."

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