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**SECOND SUBSTITUTE HOUSE BILL 1815**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** House Transportation (originally sponsored by Representatives Ryu, Boehnke, J. Johnson, Berry, Fitzgibbon, Orwall, Shewmake, Leavitt, Chase, Sells, Gregerson, Bateman, Fey, Goodman, Robertson, Macri, Ramos, Santos, Wylie, Simmons, Slatter, Bergquist, Tharinger, Valdez, Thai, Wicks, Pollet, Graham, Young, and Frame)

READ FIRST TIME 02/07/22.

1 AN ACT Relating to deterring catalytic converter theft; amending  
2 RCW 19.290.020 and 36.28A.240; and creating new sections.

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

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

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

1        NEW SECTION.    **Sec. 2.**    (1) The joint transportation committee  
2 shall convene a catalytic converter theft work group to study and  
3 provide options and recommendations related to reducing catalytic  
4 converter theft in Washington state.

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

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

8        (b) One member representing the Washington association of  
9 sheriffs and police chiefs;

10       (c) One member representing the Washington association of  
11 prosecuting attorneys;

12       (d) One member representing the office of public defense;

13       (e) One member representing the superior court judges'  
14 association;

15       (f) One member representing the district and municipal court  
16 judges' association;

17       (g) One member representing the association of Washington cities;

18       (h) One member representing the office of the attorney general;

19       (i) One member representing the property and casualty insurance  
20 industry;

21       (j) One member representing the scrap metal recycling industry;

22       (k) One member representing the auto dealer industry;

23       (l) One member representing the auto manufacturer industry;

24       (m) One member representing the catalytic converter manufacturer  
25 industry;

26       (n) One member representing the towing and recovery association  
27 of Washington;

28       (o) One member representing the Washington state independent auto  
29 dealers association;

30       (p) One member representing the Washington independent business  
31 association;

32       (q) One member representing the Washington organized retail crime  
33 association; and

34       (r) Two members representing individuals with lived experience  
35 being charged with, or convicted of, organized theft.

36       (3) The work group's study shall include, but is not limited to,  
37 the following:

38       (a) A review of state laws related to catalytic converter theft;

39       (b) A review of national efforts to address catalytic converter  
40 theft to determine whether there are best practices from other

1 jurisdictions on how to effectively deter and end catalytic converter  
2 theft;

3 (c) Data collection and analysis of catalytic converter theft  
4 incidents across the state;

5 (d) Options to deter and end catalytic converter theft, including  
6 marking of catalytic converters; and

7 (e) Options and opportunities to reduce costs to victims of  
8 catalytic converter theft.

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

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

12 (b) A potential pilot program that could be implemented to  
13 decrease catalytic converter theft, including by prioritizing  
14 communities with the highest incidence of catalytic converter theft  
15 or communities experiencing the most financial impact due to  
16 catalytic converter theft; and

17 (c) Cost estimates for the pilot program and recommendations on  
18 evaluation criteria and metrics to determine the efficacy and  
19 benefits of the pilot program.

20 (5) The work group shall provide a preliminary report and  
21 recommendations to the transportation and public safety committees of  
22 the legislature by November 1, 2022. The work group shall provide a  
23 final report and recommendations, including recommendations on a  
24 potential pilot program, to the transportation and public safety  
25 committees of the legislature by January 1, 2023.

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

28 (1) At the time of a transaction, every scrap metal business  
29 doing business in this state shall produce wherever that business is  
30 conducted an accurate and legible record of each transaction  
31 involving private metal property or nonferrous metal property. This  
32 record must be written in the English language, documented on a  
33 standardized form or in electronic form, and contain the following  
34 information:

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

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

38 (c) The name of the employee representing the scrap metal  
39 business in the transaction;

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

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

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

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

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

16 (i) For every transaction specifically involving a catalytic  
17 converter that has been removed from a vehicle, documentation  
18 indicating that the private metal property in the seller's possession  
19 is the result of the seller replacing private metal property from a  
20 vehicle registered in the seller's name.

21 (2) For every transaction that involves private metal property or  
22 nonferrous metal property, every scrap metal business doing business  
23 in the state shall require the person with whom a transaction is  
24 being made to sign a declaration. The declaration may be included as  
25 part of the transactional record required under subsection (1) of  
26 this section, or on a receipt for the transaction. The declaration  
27 must state substantially the following:

28 "I, the undersigned, affirm under penalty of law that the  
29 property that is subject to this transaction is not to the best of my  
30 knowledge stolen property."

31 The declaration must be signed and dated by the person with whom  
32 the transaction is being made. An employee of the scrap metal  
33 business must witness the signing and dating of the declaration and  
34 sign the declaration accordingly before any transaction may be  
35 consummated.

36 (3) The record and declaration required under this section must  
37 be open to the inspection of any commissioned law enforcement officer  
38 of the state or any of its political subdivisions at all times during  
39 the ordinary hours of business, or at reasonable times if ordinary  
40 hours of business are not kept, and must be maintained wherever that

1 business is conducted for five years following the date of the  
2 transaction.

3 **Sec. 4.** RCW 36.28A.240 and 2013 c 322 s 24 are each amended to  
4 read as follows:

5 (1) When funded, the Washington association of sheriffs and  
6 police chiefs shall establish a grant and training program to assist  
7 local law enforcement agencies in the support of special enforcement  
8 ~~((emphasis))~~ targeting metal theft. Grant applications shall be  
9 reviewed ~~((and—awarded))~~ through peer review panels after  
10 coordination with county and city elected officials in areas with a  
11 demonstrated increase in metal theft over the previous 24 months.  
12 Grant applicants are encouraged to ~~((utilize—multijurisdictional~~  
13 ~~efforts))~~ focus solely on metal theft and unlawful purchasing and  
14 selling of unlawfully obtained metal in their jurisdiction, but may  
15 coordinate with other jurisdictions.

16 (2) Each grant applicant shall:

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

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

21 (c) Design an enforcement program that best suits the specific  
22 metal theft problem in the jurisdiction or jurisdictions receiving  
23 the grant;

24 (d) Demonstrate community coordination focusing on prevention,  
25 intervention, and suppression; and

26 (e) Collect data on performance.

27 (3) The cost of administering the grants shall not exceed ~~((sixty~~  
28 ~~thousand dollars))~~ \$60,000, or three percent of appropriated funding,  
29 whichever is greater.

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

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