

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1815**

67th Legislature  
2022 Regular Session

Passed by the House March 8, 2022  
Yeas 97 Nays 0

---

**Speaker of the House of  
Representatives**

Passed by the Senate March 4, 2022  
Yeas 48 Nays 0

---

**President of the Senate**

Approved

---

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1815** as passed by the House of Representatives and the Senate on the dates hereon set forth.

---

**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

---

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1815

---

AS AMENDED BY THE SENATE

Passed Legislature - 2022 Regular Session

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, 19.290.030, 19.290.070, 46.80.080, 36.28A.240, and  
3 43.43.885; adding a new section to chapter 46.80 RCW; adding a new  
4 section to chapter 9A.56 RCW; creating new sections; recodifying RCW  
5 19.290.070; prescribing penalties; providing effective dates; and  
6 declaring an emergency.

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

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

19 Therefore, the legislature intends to carefully examine the  
20 catalytic converter theft issues in Washington state and conduct a  
21 study to make a variety of recommendations to the legislature,

1 including recommendations for a potential pilot program, to reduce  
2 the occurrence of catalytic converter theft. The legislature further  
3 intends to provide funding for a grant program focused on metal theft  
4 and unlawfully obtained metal.

5 NEW SECTION. **Sec. 2.** (1) The Washington State University shall  
6 convene a catalytic converter theft work group to study and provide  
7 options and recommendations related to reducing catalytic converter  
8 theft in Washington state.

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

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

12 (b) One member representing the Washington association of  
13 sheriffs and police chiefs;

14 (c) One member representing the Washington association of  
15 prosecuting attorneys;

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

17 (e) One member representing the superior court judges'  
18 association;

19 (f) One member representing the district and municipal court  
20 judges' association;

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

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

23 (i) One member representing the property and casualty insurance  
24 industry;

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

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

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

28 (m) One member representing the catalytic converter manufacturer  
29 industry;

30 (n) One member representing the towing and recovery association  
31 of Washington;

32 (o) One member representing the Washington state independent auto  
33 dealers association;

34 (p) One member representing the Washington independent business  
35 association;

36 (q) One member representing the Washington organized retail crime  
37 association; and

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

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

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

4 (b) A review of national efforts to address catalytic converter  
5 theft to determine whether there are best practices from other  
6 jurisdictions on how to effectively deter and end catalytic converter  
7 theft;

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

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

12 (e) Options and opportunities to reduce costs to victims of  
13 catalytic converter theft; and

14 (f) A review of the effectiveness of the grant and training  
15 program created under RCW 36.28A.240.

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

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

19 (b) A potential pilot program that could be implemented to  
20 decrease catalytic converter theft, including by prioritizing  
21 communities with the highest incidence of catalytic converter theft  
22 or communities experiencing the most financial impact due to  
23 catalytic converter theft; and

24 (c) Cost estimates for the pilot program and recommendations on  
25 evaluation criteria and metrics to determine the efficacy and  
26 benefits of the pilot program.

27 (5) The work group shall provide a preliminary report and  
28 recommendations to the transportation and public safety committees of  
29 the legislature by November 1, 2022. The work group shall provide a  
30 final report and recommendations, including recommendations on a  
31 potential pilot program, to the transportation and public safety  
32 committees of the legislature by January 1, 2023.

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

35 (1) At the time of a transaction, every scrap metal business  
36 doing business in this state shall produce wherever that business is  
37 conducted an accurate and legible record of each transaction  
38 involving private metal property or nonferrous metal property. This  
39 record must be written in the English language, documented on a

1 standardized form or in electronic form, and contain the following  
2 information:

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

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

6 (c) The name of the employee representing the scrap metal  
7 business in the transaction;

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

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

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

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

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

23 (i) For every transaction specifically involving a catalytic  
24 converter that has been removed from a vehicle, documentation  
25 indicating that the private metal property in the seller's possession  
26 is the result of the seller replacing private metal property from a  
27 vehicle registered in the seller's name.

28 (2) For every transaction that involves private metal property or  
29 nonferrous metal property, every scrap metal business doing business  
30 in the state shall require the person with whom a transaction is  
31 being made to sign a declaration. The declaration may be included as  
32 part of the transactional record required under subsection (1) of  
33 this section, or on a receipt for the transaction. The declaration  
34 must state substantially the following:

35 "I, the undersigned, affirm under penalty of law that the  
36 property that is subject to this transaction is not to the best of my  
37 knowledge stolen property."

38 The declaration must be signed and dated by the person with whom  
39 the transaction is being made. An employee of the scrap metal  
40 business must witness the signing and dating of the declaration and

1 sign the declaration accordingly before any transaction may be  
2 consummated.

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

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

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

17 (2) No scrap metal business may purchase or receive private metal  
18 property or commercial metal property unless the seller: (a) Has a  
19 commercial account with the scrap metal business; (b) can prove  
20 ownership of the property by producing written documentation that the  
21 seller is the owner of the property; or (c) can produce written  
22 documentation that the seller is an employee or agent authorized to  
23 sell the property on behalf of a commercial enterprise.

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

28 (4)(a) No transaction involving private metal property or  
29 nonferrous metal property may be made in cash or with any person who  
30 does not provide a street address and photographic identification  
31 under the requirements of RCW 19.290.020(1) (d) and (g) except as  
32 described in (b) and (c) of this subsection. The person with whom the  
33 transaction is being made may only be paid by a nontransferable  
34 check, mailed by the scrap metal business to a street address  
35 provided under RCW 19.290.020, no earlier than three days after the  
36 transaction was made. A transaction occurs on the date provided in  
37 the record required under RCW 19.290.020.

38 (b) A scrap metal business that is in compliance with this  
39 chapter (~~that~~) may pay up to a maximum of \$30 in cash, stored value

1 device, or electronic funds transfer for nonferrous metal property.  
2 The balance of the value of the transaction may be made by  
3 nontransferable check, stored value device, or electronic funds  
4 transfer at the time the transaction is made if the scrap metal  
5 business digitally captures:

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

9 (ii) ~~((either))~~ Either a picture or video of either the material  
10 subject to the transaction in the form received or the material  
11 subject to the transaction within the vehicle which the material was  
12 transported to the scrap metal business ~~((, may pay up to a maximum of~~  
13 ~~thirty dollars in cash, stored value device, or electronic funds~~  
14 ~~transfer. The balance of the value of the transaction may be made by~~  
15 ~~nontransferable check, stored value device, or electronic funds~~  
16 ~~transfer at the time the transaction is made. A scrap metal~~  
17 ~~business's usage of video surveillance shall be sufficient to comply~~  
18 ~~with this subsection (4)(b)(ii) as long as the video captures the~~  
19 ~~material subject to the transaction. A digital image or picture taken~~  
20 ~~under this subsection must be available for two years from the date~~  
21 ~~of transaction, while a video recording must be available for thirty~~  
22 ~~days)).~~

23 (c) Payment to individual sellers of private metal property as  
24 defined in this chapter may not be made at the time of the  
25 transaction and shall not be paid earlier than three business days  
26 after the transaction was made. Records of payment for private metal  
27 property as defined in this chapter must be kept in the same file or  
28 record as all records collected under this subsection and retained  
29 and be available for review for two years from the date of the  
30 transaction.

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

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

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

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

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

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

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

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

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

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

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



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

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

6 ~~((8))~~ (h) Any scrap metal business to engage in a series of  
7 transactions valued at less than ~~((thirty dollars))~~ \$30 with the same  
8 seller for the purposes of avoiding the requirements of RCW  
9 19.290.030(4); or

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

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

21 (3)(a) Facilitating the offer of used catalytic converters for  
22 sale without first verifying proof of ownership of the catalytic  
23 converter, or failing to retain verified records of ownership of used  
24 catalytic converters offered for sale for at least two years, is an  
25 unfair or deceptive act or practice or unfair method of competition  
26 in the conduct of trade or commerce for purposes of the consumer  
27 protection act, chapter 19.86 RCW.

28 (b) All damages awarded to the state of Washington under chapter  
29 19.86 RCW shall be distributed as follows:

30 (i) Ninety percent to the grant and training program in RCW  
31 36.28A.240; and

32 (ii) Ten percent to the no-buy list database program in RCW  
33 43.43.885.

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

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

1 No transaction involving catalytic converters may be made in cash  
2 or with any person who does not provide a street address and  
3 photographic identification. The person with whom the transaction is  
4 being made may only be paid by a nontransferable check, mailed by the  
5 licensed auto wrecker to a street address recorded according to RCW  
6 46.80.080, no earlier than three days after the transaction was made.  
7 A transaction occurs on the date provided in the record required  
8 under RCW 46.80.080.

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

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

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

15 (b) Every major component part, including catalytic converters,  
16 acquired by the wrecker; together with a bill of sale signed by a  
17 seller whose identity has been verified and the name and address of  
18 the person, firm, or corporation from whom the wrecker purchased the  
19 vehicle or part. Major component parts other than cores shall be  
20 further identified by the vehicle identification number of the  
21 vehicle from which the part came.

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

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

28 (b) Name of state where last registered;

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

30 (d) Name of vehicle;

31 (e) Motor or identification number and serial number of the  
32 vehicle;

33 (f) Date purchased;

34 (g) Disposition of the motor and chassis;

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

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

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

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

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

12 (6) A vehicle wrecker shall also maintain a similar record of all  
13 disabled vehicles that have been towed or transported to the vehicle  
14 wrecker's place of business or to other places designated by the  
15 owner of the vehicle or his or her representative. This record shall  
16 specify the name and description of the vehicle, name of owner,  
17 number of license plate, condition of the vehicle and place to which  
18 it was towed or transported.

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

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

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

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

30 (b) Strategies for development and maintenance of relationships  
31 between local law enforcement agencies and licensed scrap metal  
32 recyclers, including recommendations for scheduled or regular  
33 interactions, with a focus on deterring unlawful purchases and  
34 identifying individuals suspected of involvement in unlawful metal  
35 theft and individuals who attempt to conduct a transaction while  
36 under the influence of controlled substances; and

37 (c) Establishment of a grant and training program to assist local  
38 law enforcement agencies in the support of special enforcement  
39 (~~emphasis~~) targeting metal theft. Grant applications shall be

1 reviewed (~~and awarded through peer review panels~~) by the Washington  
2 association of sheriffs and police chiefs in consultation with other  
3 appropriate entities, such as those involved in enforcement against  
4 metal theft. Grant applicants with a demonstrated increase in metal  
5 theft over the previous 24 months are encouraged to (~~utilize~~  
6 ~~multijurisdictional efforts~~) focus solely on metal theft and  
7 unlawful purchasing and selling of unlawfully obtained metal in their  
8 jurisdiction, but may coordinate with other jurisdictions.

9 (2) Each grant applicant shall:

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

12 (~~Verify that grant awards are sufficient to cover increased~~  
13 ~~investigation, prosecution, and jail costs;~~

14 (~~Design~~) Propose an enforcement program that best suits the  
15 specific metal theft problem in the jurisdiction (~~or jurisdictions~~  
16 ~~receiving the grant~~), including the number of enforcement stings to  
17 be conducted under the program;

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

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

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

25 (~~4~~) Grant awards may not be used to supplant preexisting  
26 funding sources for special enforcement targeting metal theft.

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

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

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

35 (3) The no-buy list database program shall allow for any scrap  
36 metal business to enter a customer's name and date of birth into the  
37 database. The database must determine if the customer pursuing the  
38 transaction with the scrap metal business has been convicted in  
39 Washington of any crime involving burglary, robbery, theft, or

1 possession of or receiving stolen property within the past four  
2 years.

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

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

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

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

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

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

30 NEW SECTION. Sec. 13. Sections 5 through 7 of this act take  
31 effect July 1, 2022.

--- END ---