
SUBSTITUTE SENATE BILL 5495

State of Washington

67th Legislature

2022 Regular Session

By Senate Law & Justice (originally sponsored by Senators J. Wilson, Dozier, Fortunato, Gildon, Honeyford, Keiser, McCune, Mullet, Randall, Rolfes, Schoesler, Sheldon, Van De Wege, Wagoner, Warnick, and L. Wilson)

READ FIRST TIME 02/03/22.

1 AN ACT Relating to catalytic converters; amending RCW 19.290.030,
2 19.290.070, 36.28A.240, and 43.43.885; adding new sections to chapter
3 9A.56 RCW; recodifying RCW 19.290.070; prescribing penalties; and
4 making an appropriation.

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

6 **Sec. 1.** RCW 19.290.030 and 2013 c 322 s 6 are each amended to
7 read as follows:

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

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

20 (3) No scrap metal business may enter into a transaction to
21 purchase or receive metallic wire that was burned in whole or in part

1 to remove insulation unless the seller can produce written proof to
2 the scrap metal business that the wire was lawfully burned.

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

12 (b) A scrap metal business that is in compliance with this
13 chapter that digitally captures: (i) A copy of one piece of current
14 government-issued picture identification, including a current
15 driver's license or identification card issued by any state and (ii)
16 either a picture or video of either the material subject to the
17 transaction in the form received or the material subject to the
18 transaction within the vehicle which the material was transported to
19 the scrap metal business, may pay up to a maximum of ~~((thirty~~
20 ~~dollars))~~ \$30 in ~~((cash,))~~ stored value device~~((,))~~ or electronic
21 funds transfer. The balance of the value of the transaction may be
22 made by nontransferable check, stored value device, or electronic
23 funds transfer at the time the transaction is made. Payment by cash
24 for catalytic converters must be no earlier than five days after the
25 transaction was made. Records of cash payment for catalytic
26 converters must be kept in the same file or record as all records
27 collected under this subsection and retained and be available for
28 review for three years from the date of the transaction. A scrap
29 metal business's usage of video surveillance shall be sufficient to
30 comply with this subsection (4) (b) (ii) as long as the video captures
31 the material subject to the transaction. A digital image or picture
32 taken under this subsection must be available for ~~((two))~~ three years
33 from the date of transaction, while a video recording must be
34 available for thirty days.

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

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

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

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

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

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

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

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

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

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

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

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

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

19 NEW SECTION. Sec. 3. A new section is added to chapter 9A.56
20 RCW to read as follows:

21 (1) A person is guilty of unlawful possession of a catalytic
22 converter, if upon contact by law enforcement, the person is unable
23 to produce proof of ownership of the catalytic converter. Unlawful
24 possession of a catalytic converter is a gross misdemeanor.

25 (2) Proof of ownership may be demonstrated by presenting
26 documentation that the private metal property in the seller's
27 possession is the result of the seller replacing private metal
28 property from a vehicle registered in the seller's name. Proof of
29 ownership may also be provided through production of a unique
30 catalytic converter serial number, or successor catalytic converter
31 identification number program created under chapter 19.290 RCW, that
32 corresponds to a vehicle for which the person can provide
33 documentation of proof of ownership.

34 (3) Each catalytic converter is subject to an additional criminal
35 penalty of \$2,000 per catalytic converter. Half of the additional
36 criminal penalty is to be retained by the local jurisdiction; 10
37 percent shall be directed to the no-buy list database in RCW
38 43.43.885; and the remainder shall be directed to the Washington
39 state patrol solely for grants issued under RCW 36.28A.240.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 9A.56
2 RCW to read as follows:

3 (1) A person is guilty of attempting the unlawful sale or
4 purchase of a catalytic converter, if upon contact by law
5 enforcement, the person is unable to produce documentation of proof
6 of ownership of the catalytic converter for which the person is
7 offering to sell, purchase, or advertise the sale or purchase,
8 without maintaining a scrap metal recycler license or hulk hauler
9 license under chapter 19.290 or 46.79 RCW.

10 (2) Attempted unlawful sale or purchase of metal property is a
11 class C felony.

12 (3) If the attempted purchase or sale is for more than five
13 catalytic converters, the attempted purchase or sale of metal
14 property is a class B felony.

15 (4) Each catalytic converter is subject to an additional criminal
16 penalty of \$5,000 per catalytic converter. Half of the additional
17 criminal penalty is to be retained by the local jurisdiction; 10
18 percent shall be directed to the no-buy list database in RCW
19 43.43.885; and the remainder shall be directed to the Washington
20 state patrol solely for grants issued under RCW 36.28A.240.

21 **Sec. 5.** RCW 36.28A.240 and 2013 c 322 s 24 are each amended to
22 read as follows:

23 (1) (~~When funded, the Washington association of sheriffs and~~
24 ~~police chiefs~~) The Washington state patrol shall ((establish))
25 develop a comprehensive state law enforcement strategy targeting
26 metal theft, 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 developing 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 chief of
2 the Washington state patrol after coordination with county and city
3 elected officials in areas with a demonstrated increase in metal
4 theft over the previous 24 months. Grant applicants are encouraged to
5 (~~utilize multijurisdictional efforts~~) focus solely on metal thefts
6 and unlawful purchasing and selling of unlawfully obtained metal in
7 their jurisdiction, but are encouraged to coordinate with other
8 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. 6.** 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, the Washington~~
30 ~~association of sheriffs and police chiefs~~) the Washington state
31 patrol shall implement and operate an ongoing electronic statewide
32 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. 7. The sum of \$4,000,000 shall be
21 appropriated from the general fund to fund the efforts in RCW
22 36.28A.240 and 43.43.885 to be distributed as follows:

23 (1) \$500,000 for the purpose of establishing the no-buy list
24 database in RCW 43.43.885;

25 (2) \$500,000 for the purpose of establishing necessary
26 administrative systems at the Washington state patrol; and

27 (3) \$3,000,000 for the purpose of funding the requirements of RCW
28 36.28A.240(1).

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

--- END ---