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**SECOND SUBSTITUTE SENATE BILL 5495**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Senate Ways & Means (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 02/07/22.

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; and prescribing penalties.

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

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

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

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

19 (3) No scrap metal business may enter into a transaction to  
20 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 for nonferrous metal property. The balance of the  
22 value of the transaction may be made by nontransferable check, stored  
23 value device, or electronic funds transfer at the time the  
24 transaction is made. Payment by cash for catalytic converters must be  
25 no earlier than five days after the transaction was made. Records of  
26 cash payment for catalytic converters must be kept in the same file  
27 or record as all records collected under this subsection and retained  
28 and be available for review for two years from the date of the  
29 transaction. A scrap metal business's usage of video surveillance  
30 shall be sufficient to comply with this subsection (4) (b) (ii) as long  
31 as the video captures the material subject to the transaction. A  
32 digital image or picture taken under this subsection must be  
33 available for two years from the date of transaction, while a video  
34 recording must be 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 that has been removed from a vehicle, if upon contact by  
23 law enforcement, the person is unable to produce proof of ownership  
24 of the catalytic converter. Unlawful possession of a catalytic  
25 converter is a gross misdemeanor.

26       (2) Proof of ownership may be demonstrated by:

27       (a) Presenting documentation that the private metal property in  
28 the seller's possession is the result of the seller replacing private  
29 metal property from a vehicle registered in the seller's name;

30       (b) Production of a unique catalytic converter serial number, or  
31 successor catalytic converter identification number program created  
32 under chapter 19.290 RCW, that corresponds to a vehicle for which the  
33 person can provide documentation of proof of ownership; or

34       (c) Proof that the person is an agent of a corporation,  
35 partnership, limited liability company, association, state agency,  
36 political subdivision of the state, public corporation, or any other  
37 legal or commercial entity.

38       (3) Each catalytic converter is subject to an additional criminal  
39 penalty of \$2,000 per catalytic converter. Half of the additional

1 criminal penalty is to be retained by the local jurisdiction; 10  
2 percent shall be directed to the no-buy list database in RCW  
3 43.43.885; and the remainder shall be directed to the Washington  
4 state patrol solely for grants issued under RCW 36.28A.240.

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

7 (1) A person is guilty of attempting the unlawful sale of a  
8 catalytic converter that has been removed from a vehicle, if upon  
9 contact by law enforcement, the person is unable to produce  
10 documentation of proof of ownership of the catalytic converter for  
11 which the person is offering to sell or advertise the sale, without  
12 being an agent of a corporation, partnership, limited liability  
13 company, association, state agency, political subdivision of the  
14 state, public corporation, or any other legal or commercial entity.

15 (2) A person is guilty of attempting the unlawful purchase of a  
16 catalytic converter that has been removed from a vehicle if the  
17 person is offering to purchase or advertising for the purchase,  
18 without maintaining a scrap metal business license under chapter  
19 19.290 RCW.

20 (3) Attempted unlawful sale or purchase of metal property is a  
21 class C felony.

22 (4) If the attempted purchase or sale is for more than five  
23 catalytic converters, the attempted purchase or sale of metal  
24 property is a class B felony.

25 (5) Each catalytic converter is subject to an additional criminal  
26 penalty of \$5,000 per catalytic converter. Half of the additional  
27 criminal penalty is to be retained by the local jurisdiction; 10  
28 percent shall be directed to the no-buy list database in RCW  
29 43.43.885; and the remainder shall be directed to the Washington  
30 state patrol solely for grants issued under RCW 36.28A.240.

31 (6) Facilitating the offer of used catalytic converters for sale  
32 without first verifying proof of ownership of the catalytic  
33 converter, or failing to retain verified records of ownership of used  
34 catalytic converters offered for sale for at least two years, is an  
35 unfair or deceptive act or practice or unfair method of competition  
36 in the conduct of trade or commerce for purposes of the consumer  
37 protection act, chapter 19.86 RCW.

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

3       (1) ~~((When funded, the Washington association of sheriffs and~~  
4 ~~police chiefs)) The Washington state patrol shall ((establish))~~  
5 ~~develop a comprehensive state law enforcement strategy targeting~~  
6 ~~metal theft, including:~~

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

10       (b) Strategies for developing and maintenance of relationships  
11 between local law enforcement agencies and licensed scrap metal  
12 recyclers, including recommendations for scheduled or regular  
13 interactions, with a focus on deterring unlawful purchases and  
14 identifying individuals suspected of involvement in unlawful metal  
15 theft and individuals who attempt to conduct a transaction while  
16 under the influence of controlled substances; and

17       (c) Establishment of a grant and training program to assist local  
18 law enforcement agencies in the support of special enforcement  
19 ((emphasis)) targeting metal theft. Grant applications shall be  
20 reviewed ((and awarded through peer review panels)) by the chief of  
21 the Washington state patrol after coordination with county and city  
22 elected officials in areas with a demonstrated increase in metal  
23 theft over the previous 24 months. Grant applicants are encouraged to  
24 ((utilize multijurisdictional efforts)) focus solely on metal thefts  
25 and unlawful purchasing and selling of unlawfully obtained metal in  
26 their jurisdiction, but are encouraged to coordinate with other  
27 jurisdictions.

28       (2) Each grant applicant shall:

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

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

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

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

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

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

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

6           **Sec. 6.** RCW 43.43.885 and 2013 c 322 s 31 are each amended to  
7 read as follows:

8           (1) Beginning on July 1, 2014, ~~((when funded, the Washington~~  
9 ~~association of sheriffs and police chiefs))~~ the Washington state  
10 patrol shall implement and operate an ongoing electronic statewide  
11 no-buy list database program.

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

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

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

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

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

1        NEW SECTION.    **Sec. 7.**    RCW 19.290.070 is recodified as a section  
2    in chapter 9A.56 RCW.

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