
SENATE BILL 5495

State of Washington

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By Senators J. Wilson, Dozier, Fortunato, Gildon, Honeyford, Keiser, McCune, Mullet, Randall, Rolfes, Schoesler, Sheldon, Van De Wege, Wagoner, Warnick, and L. Wilson

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1 AN ACT Relating to catalytic converters; amending RCW 19.290.020,
2 19.290.030, and 19.290.070; and prescribing penalties.

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

4 **Sec. 1.** RCW 19.290.020 and 2013 c 322 s 5 are each amended to
5 read as follows:

6 (1) At the time of a transaction, every scrap metal business
7 doing business in this state shall produce wherever that business is
8 conducted an accurate and legible record of each transaction
9 involving private metal property, precious metals, or nonferrous
10 metal property. This record must be written in the English language,
11 documented on a standardized form or in electronic form, and contain
12 the following information:

13 (a) The signature of the person with whom the transaction is
14 made;

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

16 (c) The name of the employee representing the scrap metal
17 business in the transaction;

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

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

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

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

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

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

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

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

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

36 **Sec. 2.** RCW 19.290.030 and 2013 c 322 s 6 are each amended to
37 read as follows:

38 (1) No scrap metal business may enter into a transaction to
39 purchase or receive private metal property, precious metals, or

1 nonferrous metal property from any person who cannot produce at least
2 one piece of current government-issued picture identification,
3 including a valid driver's license or identification card issued by
4 any state.

5 (2) No scrap metal business may enter into a transaction to
6 purchase or receive private metal property from any person who is not
7 a commercial enterprise or owner of the vehicle from which the
8 catalytic converter was removed. No scrap metal business may enter
9 into a transaction with an owner of a vehicle from which a catalytic
10 converter was removed unless the owner provides the year, make,
11 model, and vehicle identification number for the vehicle from which
12 it was removed.

13 (3) 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))~~ (4) No scrap metal business may enter into a transaction
21 to purchase or receive metallic wire that was burned in whole or in
22 part to remove insulation unless the seller can produce written proof
23 to the scrap metal business that the wire was lawfully burned.

24 ~~((+4))~~ (5)(a) No transaction involving private metal property or
25 nonferrous metal property may be made in cash or with any person who
26 does not provide a street address under the requirements of RCW
27 19.290.020 except as described in (b) of this subsection. The person
28 with whom the transaction is being made may only be paid by a
29 nontransferable check, mailed by the scrap metal business to a street
30 address provided under RCW 19.290.020, no earlier than ~~((three))~~ five
31 business days after the transaction was made. A transaction occurs on
32 the date provided in the record required under RCW 19.290.020.

33 (b) A scrap metal business that is in compliance with this
34 chapter that digitally captures: (i) A copy of one piece of current
35 government-issued picture identification, including a current
36 driver's license or identification card issued by any state and (ii)
37 either a picture or video of either the material subject to the
38 transaction in the form received or the material subject to the
39 transaction within the vehicle which the material was transported to
40 the scrap metal business, may pay up to a maximum of thirty dollars

1 in (~~cash~~) stored value device(~~(7)~~) or electronic funds transfer.
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. Payment by cash must be
5 no earlier than five business days after the transaction was made.
6 Records of cash payment must be retained and be available for review
7 for three years from the date of the transaction. A scrap metal
8 business's usage of video surveillance shall be sufficient to comply
9 with this subsection (~~((4))~~) (5)(b)(ii) as long as the video captures
10 the material subject to the transaction. A digital image or picture
11 taken under this subsection must be available for (~~(two)~~) three years
12 from the date of transaction, while a video recording must be
13 available for thirty days.

14 (~~((5))~~) (6) No scrap metal business may purchase or receive beer
15 kegs from anyone except a manufacturer of beer kegs or licensed
16 brewery.

17 **Sec. 3.** RCW 19.290.070 and 2013 c 322 s 10 are each amended to
18 read as follows:

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

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

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

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

34 (~~((4))~~) (d) Any scrap metal business to enter into a transaction
35 to purchase or receive private metal property, nonferrous metal
36 property, or commercial metal property from any person under the age
37 of eighteen years or any person who is discernibly under the
38 influence of intoxicating liquor or drugs;

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

13 ~~((6))~~ (f) Any person to sign the declaration required under RCW
14 19.290.020 knowing that the private metal property or nonferrous
15 metal property subject to the transaction is stolen. The signature of
16 a person on the declaration required under RCW 19.290.020 constitutes
17 evidence of intent to defraud a scrap metal business if that person
18 is found to have known that the private metal property or nonferrous
19 metal property subject to the transaction was stolen;

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

23 ~~((8))~~ (h) Any scrap metal business to engage in a series of
24 transactions valued at less than thirty dollars with the same seller
25 for the purposes of avoiding the requirements of RCW
26 19.290.030~~((4))~~ (5); or

27 ~~((9))~~ (i) Any person to knowingly make a false or fictitious
28 oral or written statement or to furnish or exhibit any false,
29 fictitious, or misrepresented identification, with the intent to
30 deceive a scrap metal business as to the actual seller of the scrap
31 metal.

32 (2) It is a gross misdemeanor under chapter 9A.20 RCW for any
33 scrap metal business to purchase or receive private metal property
34 knowing that the private metal property subject to the transaction is
35 stolen. It is a gross misdemeanor under chapter 9A.20 RCW for any
36 owner, partner, or employee of a scrap metal business to purchase or
37 receive private metal property knowing that the private metal

1 property subject to the transaction is stolen. Each offense is a
2 civil infraction punishable by a \$1,000 fine.

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