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SENATE BILL 5381

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State of Washington                      61st Legislature                      2009 Regular Session

By Senators Jarrett, Haugen, King, Marr, Shin, Tom, and Carrell

Read first time 01/21/09. Referred to Committee on Transportation.

1            AN ACT Relating to issuing cease and desist orders and civil  
2 penalties for violations committed by unlicensed persons engaging in  
3 scrap processing or hulk hauling activities; adding a new section to  
4 chapter 46.79 RCW; creating a new section; and prescribing penalties.

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

6            NEW SECTION.    **Sec. 1.** In keeping with the intent of chapter 46.79  
7 RCW to protect the public from harm from unlicensed persons illegally  
8 engaged in the activities of hulk haulers or scrap processors,  
9 considering the fact that current violations by individuals in these  
10 activities require a criminal prosecution in order to carry out  
11 enforcement, and considering the fact that current laws for licensed  
12 vehicle dealers and licensed vehicle wreckers, which provide the  
13 department of licensing with the authority to issue cease and desist  
14 orders and civil penalties for violations by unlicensed persons  
15 engaging in those activities, have worked very well and have been very  
16 cost-effective at reducing violations, it is the intent of the  
17 legislature to authorize the department of licensing to issue cease and  
18 desist orders and civil penalties for violations committed by

1 unlicensed persons engaging in the activities of a hulk hauler or scrap  
2 processor.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.79 RCW  
4 to read as follows:

5 (1) If it appears to the director that an unlicensed person has  
6 engaged in an act or practice constituting a violation of this chapter  
7 or a rule adopted or an order issued under this chapter, the director  
8 may issue an order directing the person to cease and desist from  
9 continuing the act or practice. The director shall provide the  
10 unlicensed person reasonable notice of and opportunity for a hearing.  
11 The director may issue a temporary order pending a hearing. The  
12 temporary order remains in effect until ten days after the hearing is  
13 held and becomes final if the unlicensed person to whom the notice is  
14 addressed does not request a hearing within fifteen days after receipt  
15 of the notice.

16 (2) The director may assess a fine of up to one thousand dollars  
17 with the final order for each act or practice constituting a violation  
18 of this chapter by an unlicensed person.

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