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SENATE BILL 6286

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State of Washington

54th Legislature

1996 Regular Session

By Senators Pelz, Deccio, Heavey and Hale

Read first time 01/10/96. Referred to Committee on Labor, Commerce & Trade.

1 AN ACT Relating to rights to dies, molds, forms, and patterns;  
2 adding a new chapter to Title 63 RCW; and adding a new chapter to Title  
3 60 RCW.

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

5 NEW SECTION. **Sec. 1.** Unless the context clearly requires  
6 otherwise, the definitions in this section apply throughout this  
7 chapter.

8 (1) "Customer" means an individual or entity that causes or did  
9 cause a molder to fabricate, cast, or otherwise make a die, mold, or  
10 form.

11 (2) "Molder" means an individual or entity, including but not  
12 limited to a tool or die maker, that fabricates, casts, or otherwise  
13 makes a die, mold, or form.

14 (3) "Within three years after the last use" means the three-year  
15 period after the last use of a die, mold, or form, regardless of  
16 whether or not any portion of that period predates the effective date  
17 of this act.

1        NEW SECTION.    **Sec. 2.**    (1) In the absence of a written agreement  
2 otherwise, the customer has title and all rights to a die, mold, or  
3 form in the molder's possession.

4        (2) If a customer does not claim possession from a molder of a die,  
5 mold, or form within three years after the last use of the die, mold,  
6 or form, title and all rights to the die, mold, or form may be  
7 transferred to the molder for the purpose of destroying or otherwise  
8 disposing of the die, mold, or form.

9        (3) At least one hundred twenty days before seeking title and  
10 rights to a die, mold, or form in its possession, a molder shall send  
11 notice, via registered or certified mail, to the chief executive  
12 officer of the customer or, if the customer is not a business entity,  
13 to the customer's last known address. The notice must state that the  
14 molder intends to seek title and rights to the die, mold, or form. The  
15 notice must also include the name, address, and phone number of the  
16 molder.

17        (4) If a customer does not respond in person or by mail within one  
18 hundred twenty days after the date the notice was sent, or does not  
19 make other contractual arrangements with the molder for storage of the  
20 die, mold, or form, title and all rights of the customer transfer by  
21 operation of law to the molder. Thereafter, the molder may destroy or  
22 otherwise dispose of the die, mold, or form without any risk of  
23 liability to the customer.

24        NEW SECTION.    **Sec. 3.**    Unless the context clearly requires  
25 otherwise, the definitions in this section apply throughout this  
26 chapter.

27        (1) "Customer" means an individual or entity that contracts with,  
28 causes, or caused a plastic fabricator to use a die, mold, form, or  
29 pattern to manufacture, assemble, or otherwise make a plastic product.

30        (2) "Plastic fabricator," "fabricator," or "molder" means an  
31 individual or entity, including but not limited to a tool or die maker,  
32 that contracts to or uses a die mold, form, or pattern to manufacture,  
33 assemble, or otherwise make a plastic product for a customer.

34        NEW SECTION.    **Sec. 4.**    (1) A plastic fabricator, molder, and person  
35 conducting a plastic fabricating business has a lien, dependent on  
36 possession, on a die, mold, form, or pattern belonging to the customer  
37 for the amount owing from the customer for plastic fabrication work and

1 for the value of materials used in the work. The fabricator may retain  
2 possession of the die, mold, form, or pattern until the charges are  
3 paid.

4 (2) Before a lien is enforced, the fabricator must cause written  
5 notice to be delivered personally or by registered or certified mail to  
6 the last known address of the customer. The notice must state that the  
7 fabricator will exercise its lien right because of nonpayment. The  
8 notice must also state the amount of money owed and demand payment.  
9 The fabricator's name, address, and phone number must be included in  
10 the notice.

11 (3) If the fabricator is not paid the total due within sixty days  
12 after the notice has been received by the customer, the fabricator may  
13 foreclose the lien by notice and sale as provided in this section, if  
14 the die, mold, form, or pattern is in the fabricator's possession. The  
15 fabricator must send notice of intended sale, by registered or  
16 certified mail with return receipt requested, to the last known address  
17 of the customer. The notice must include: A description of the die,  
18 mold, form, or pattern to be sold; a statement of intent to sell the  
19 die, mold, form, or pattern at public sale; the date, time, and place  
20 of the sale; and an itemized statement of moneys owing.

21 If there is no return receipt or if the postal service returns the  
22 notice as undeliverable, the fabricator shall publish notice of  
23 intention to sell the die, mold, form, or pattern at public sale in a  
24 newspaper of general circulation in the county where the die, mold,  
25 form, or pattern is physically located. The publication must include:  
26 A description of the die, mold, form, or pattern; the name, address,  
27 and phone number of the customer; the name, address, and phone number  
28 of the fabricator; and the date, time, and place of the sale.

29 The fabricator is entitled to the amount owing plus the costs of  
30 holding, preparing for sale, and selling the die, mold, form, or  
31 pattern. The fabricator is also entitled to reasonable attorneys' fees  
32 incurred.

33 (4) If the sale proceeds exceed the amount owing, the excess must  
34 be paid to previous lien holders. Any remainder must be remitted to  
35 the customer.

36 (5) A public sale may not be held under this section if it is in  
37 violation of a right of a customer under federal patent or copyright  
38 law.

1        NEW SECTION.    **Sec. 5.**    (1) Sections 1 and 2 of this act shall  
2 constitute a new chapter in Title 63 RCW.  
3        (2) Sections 3 and 4 of this act shall constitute a new chapter in  
4 Title 60 RCW.

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