
HOUSE BILL 1829

State of Washington

55th Legislature

1997 Regular Session

By Representative Van Luven

Read first time 02/11/97. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to trade-in or exchange of computer hardware;
2 amending RCW 19.60.010; adding a new chapter to Title 19 RCW; and
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** (1) Any retail establishment doing business
6 in this state that accepts for trade-in or exchange any computer
7 hardware for the purchase of other computer hardware of greater value
8 shall maintain, at the time of each transaction, a record of the
9 following information:

- 10 (a) The signature of the person with whom the transaction is made;
11 (b) The date of the transaction;
12 (c) The name of the person or employee or the identification number
13 of the person or employee conducting the transaction; and
14 (d) The name, date of birth, and address and telephone number of
15 the person with whom the transaction is made.

16 (2) This record is open to the inspection of any commissioned law
17 enforcement officer of the state or any of its political subdivisions,
18 and will be maintained for a period of one year following the date of
19 the transaction.

1 (3) As used in this section:

2 (a) "Computer" means a programmable electronic machine that
3 performs high-speed mathematical or logical operation or that
4 assembles, stores, correlates, or otherwise processes information.

5 (b) "Computer hardware" means a computer and the associated
6 physical equipment involved in the performance of data processing or
7 communications functions. The term does not include computer software.

8 NEW SECTION. **Sec. 2.** (1) Upon request, every retailer doing
9 business in this state that accepts for trade-in or exchange computer
10 hardware shall furnish a full, true, and correct transcript of the
11 record of all transactions conducted, under section 1 of this act, on
12 the proceeding day. These transactions shall be recorded on such forms
13 as may be provided and in such format as may be required by the chief
14 of police or the county's chief law enforcement officer within a
15 specified time but not less than twenty-four hours.

16 (2) If a retailer has good cause to believe that any computer
17 hardware in their possession has been previously lost or stolen, the
18 retailer shall promptly report that fact to the applicable chief of
19 police or the county's chief law enforcement officer, together with the
20 name of the owner, if known, and the date when, and the name of the
21 person from whom, it was received.

22 NEW SECTION. **Sec. 3.** It is a gross misdemeanor under chapter
23 9A.20 RCW for:

24 (1) Any person to remove, alter, or obliterate any manufacturer's
25 make, model, or serial number, personal identification number, or
26 identifying marks engraved or etched upon the computer hardware that is
27 received as a trade-in or in exchange on the purchase of other computer
28 hardware of greater value. In addition a retailer shall not accept any
29 computer hardware as a trade-in or in exchange on the purchase of other
30 computer hardware of greater value where the manufacturer's make,
31 model, or serial number, personal identification number, or identifying
32 marks engraved or etched upon the computer hardware has been removed,
33 altered, or obliterated;

34 (2) Any person to knowingly make, cause, or allow to be made any
35 false entry or misstatement of any material matter in any book, record,
36 or writing required to be kept under this chapter; or

1 (3) Any person to knowingly violate any other provision of this
2 chapter.

3 **Sec. 4.** RCW 19.60.010 and 1995 c 133 s 1 are each amended to read
4 as follows:

5 Unless the context clearly requires otherwise, the definitions in
6 this section apply throughout this chapter.

7 (1) Melted metals means metals derived from metal junk or precious
8 metals that have been reduced to a melted state from other than ore or
9 ingots which are produced from ore that has not previously been
10 processed.

11 (2) Metal junk means any metal that has previously been milled,
12 shaped, stamped, or forged and that is no longer useful in its original
13 form, except precious metals.

14 (3) Nonmetal junk means any nonmetal, commonly discarded item that
15 is worn out, or has outlasted its usefulness as intended in its
16 original form except nonmetal junk does not include an item made in a
17 former period which has enhanced value because of its age.

18 (4) Pawnbroker means every person engaged, in whole or in part, in
19 the business of loaning money on the security of pledges of personal
20 property, or deposits or conditional sales of personal property, or the
21 purchase or sale of personal property.

22 (5) Precious metals means gold, silver, and platinum.

23 (6) Second-hand dealer means every person engaged in whole or in
24 part in the business of purchasing, selling, trading, consignment
25 selling, or otherwise transferring for value, second-hand property
26 including metal junk, melted metals, precious metals, whether or not
27 the person maintains a fixed place of business within the state.
28 Second-hand dealer also includes persons or entities conducting
29 business at flea markets or swap meets, more than three times per year.

30 (7) Second-hand property means any item of personal property
31 offered for sale which is not new, including metals in any form and
32 computer hardware as defined in section 1 of this act, except postage
33 stamps, coins that are legal tender, bullion in the form of fabricated
34 hallmarked bars, used books, and clothing of a resale value of seventy-
35 five dollars or less, except furs.

36 (8) Transaction means a pledge, or the purchase of, or consignment
37 of, or the trade of any item of personal property by a pawnbroker or a
38 second-hand dealer from a member of the general public.

1 (9) "Loan period" means the period of time from the date the loan
2 is made until the date the loan is paid off, the loan is in default, or
3 the loan is refinanced and new loan documents are issued, including all
4 grace or extension periods.

5 NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act constitute
6 a new chapter in Title 19 RCW.

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