
HOUSE BILL 1302

State of Washington

57th Legislature

2001 Regular Session

By Representatives Keiser, Clements, Hatfield, Conway, McIntire, Kenney and Santos

Read first time 01/23/2001. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to cash, checks, and check cashing charges; adding
2 new sections to chapter 49.48 RCW; creating a new section; and
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that banks, other
6 financial institutions, and licensed check cashers engage in cashing
7 checks, drafts, money orders, and other commercial paper as part of
8 their customary business. Banks, other financial institutions, and
9 licensed check cashers are generally permitted to charge fees for such
10 services.

11 The legislature also finds that other entities sometimes engage in
12 cashing checks as a minor part of their customary business. The
13 legislature hereby declares that certain other entities should be
14 prohibited from charging fees for such services.

15 NEW SECTION. **Sec. 2.** The definitions in this section apply
16 throughout section 3 of this act unless the context clearly requires
17 otherwise.

1 (1)(a) "Labor pool" means a business entity that operates a labor
2 hall by one or more of the following methods:

3 (i) Contracting with third-party users to supply day laborers to
4 them on a temporary basis;

5 (ii) Hiring, employing, recruiting, or contracting with workers to
6 fulfill these temporary labor contracts for day labor; or

7 (iii) Fulfilling any contracts for day labor in accordance with
8 this subsection, even if the entity also conducts other business.

9 (b) "Labor pool" does not mean:

10 (i) A farm labor contractor as defined in RCW 19.30.010;

11 (ii) An employee leasing agency as defined in RCW 50.04.245;

12 (iii) A temporary services agency as defined in RCW 50.04.245 that
13 is engaged in supplying solely white collar employees, secretarial
14 employees, clerical employees, or skilled laborers;

15 (iv) A labor union hiring hall; or

16 (v) A labor bureau or employment office operated by a business
17 entity for the sole purpose of employing an individual for its own use.

18 (2) "Day labor" means temporary labor or employment that is
19 occasional or irregular for which the worker is employed for not longer
20 than the time period required to complete the temporary assignment for
21 which the individual worker was hired, although an individual may be
22 eligible for additional temporary assignments when available.

23 (3) "Labor hall" means a central location maintained by a labor
24 pool where day laborers assemble and are dispatched to work for a
25 third-party user.

26 (4) "Business entity" means any individual, corporation, business
27 partnership, firm, institution, or association.

28 (5) "Third-party user" means a business entity that uses the
29 services of a day laborer provided by a labor pool.

30 NEW SECTION. **Sec. 3.** (1) A labor pool must compensate day
31 laborers for work performed in legal tender of the United States or
32 checks on banks convertible into cash on demand at full face value.

33 (2) A labor pool may not charge a day laborer for directly or
34 indirectly cashing the day laborer's check, or request or require that
35 a day laborer waive the protections of this section.

36 (3) A day laborer aggrieved by a violation of this section may
37 bring a civil action against the labor pool in superior court to
38 recover actual damages, including incidental and consequential damages,

1 or one thousand dollars, whichever is greater, together with the costs
2 of the suit and reasonable attorneys' fees. The remedy under this
3 section is in addition to any other remedies at law or equity.

4 NEW SECTION. **Sec. 4.** Sections 2 and 3 of this act are each added
5 to chapter 49.48 RCW.

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