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HOUSE BILL 2284

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State of Washington

62nd Legislature

2012 Regular Session

By Representative Hunt

Read first time 01/11/12. Referred to Committee on Judiciary.

1 AN ACT Relating to addressing civil liability of parents and legal  
2 guardians concerning minors who take possession of goods without  
3 consent of the owner or seller; and amending RCW 4.24.230.

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

5 **Sec. 1.** RCW 4.24.230 and 2009 c 431 s 3 are each amended to read  
6 as follows:

7 (1) An adult or emancipated minor who takes possession of any  
8 goods, wares, or merchandise displayed or offered for sale by any  
9 wholesale or retail store or other mercantile establishment without the  
10 consent of the owner or seller, and with the intention of converting  
11 such goods, wares, or merchandise to his or her own use without having  
12 paid the purchase price thereof is liable in addition to actual  
13 damages, for a penalty to the owner or seller in the amount of the  
14 retail value thereof not to exceed two thousand eight hundred fifty  
15 dollars, plus an additional penalty of not less than one hundred  
16 dollars nor more than six hundred fifty dollars, plus all reasonable  
17 ((attorney's)) attorneys' fees and court costs expended by the owner or  
18 seller. A customer who orders a meal in a restaurant or other eating  
19 establishment, receives at least a portion thereof, and then leaves

1 without paying, is subject to liability under this section. A person  
2 who shall receive any food, money, credit, lodging, or accommodation at  
3 any hotel, motel, boarding house, or lodging house, and then leaves  
4 without paying the proprietor, manager, or authorized employee thereof,  
5 is subject to liability under this section.

6 (2) The parent or legal guardian having the custody of an  
7 unemancipated minor who takes possession of any goods, wares, or  
8 merchandise displayed or offered for sale by any wholesale or retail  
9 store or other mercantile establishment without the consent of the  
10 owner or seller and with the intention of converting such goods, wares,  
11 or merchandise to his or her own use without having paid the purchase  
12 price thereof, is liable as a penalty to the owner or seller for the  
13 retail value of such goods, wares, or merchandise not to exceed one  
14 thousand four hundred twenty-five dollars plus an additional penalty of  
15 (~~not less than one hundred dollars nor more than~~) up to six hundred  
16 fifty dollars or twenty-five times the retail value of the goods,  
17 wares, or merchandise, whichever amount is less, plus all reasonable  
18 (~~attorney's~~) attorneys' fees and court costs expended by the owner or  
19 seller. The parent or legal guardian having the custody of an  
20 unemancipated minor, who orders a meal in a restaurant or other eating  
21 establishment, receives at least a portion thereof, and then leaves  
22 without paying, is subject to liability under this section. The parent  
23 or legal guardian having the custody of an unemancipated minor, who  
24 receives any food, money, credit, lodging, or accommodation at any  
25 hotel, motel, boarding house, or lodging house, and then leaves without  
26 paying the proprietor, manager, or authorized employee thereof, is  
27 subject to liability under this section. For the purposes of this  
28 subsection, liability shall not be imposed upon any governmental  
29 entity, private agency, or foster parent assigned responsibility for  
30 the minor child pursuant to court order or action of the department of  
31 social and health services.

32 (3) Judgments and claims arising under this section may be  
33 assigned.

34 (4) A conviction for violation of chapter 9A.56 RCW shall not be a  
35 condition precedent to maintenance of a civil action authorized by this  
36 section.

37 (5) An owner or seller demanding payment of a penalty under

1 subsection (1) or (2) of this section shall give written notice to the  
2 person or persons from whom the penalty is sought. The notice shall  
3 state:

4 "IMPORTANT NOTICE: The payment of any penalty demanded of you does  
5 not prevent criminal prosecution under a related criminal provision."

6 This notice shall be boldly and conspicuously displayed, in at  
7 least the same size type as is used in the demand, and shall be sent  
8 with the demand for payment of a penalty described in subsection (1) or  
9 (2) of this section.

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