CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 1552

Chapter 322, Laws of 2013

(partial veto)

63rd Legislature
2013 Regular Session

CRIMES--METAL THEFT--SCRAP METAL LICENSES

EFFECTIVE DATE: 07/28/13 – Except for sections 12 through 23, which become effective 01/01/14.

Passed by the House April 25, 2013
Yea s 92  Nays 5

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate April 16, 2013
Yeas 46  Nays 1

BRAD OWEN
President of the Senate

Approved May 21, 2013, 2:31 p.m., with the exception of Section 34 which is vetoed.

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is ENGROSSED SUBSTITUTE HOUSE BILL 1552 as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER
Chief Clerk

FILED
May 21, 2013

JAY INSLEE
Governor of the State of Washington

SECRETARY OF STATE
State of Washington

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

Sec. 1. RCW 9A.48.100 and 1984 c 273 s 4 are each amended to read as follows:

For the purposes of RCW 9A.48.070 through 9A.48.090 inclusive:

(1) "Physical damage", in addition to its ordinary meaning, shall include the total or partial alteration, damage, obliteration, or erasure of records, information, data, computer programs, or their computer representations, which are recorded for use in computers or the impairment, interruption, or interference with the use of such records, information, data, or computer programs, or the impairment, interruption, or interference with the use of any computer or services
provided by computers. "Physical damage" also includes any diminution in the value of any property as the consequence of an act and the cost to repair any physical damage;

(2) If more than one item of property is physically damaged as a result of a common scheme or plan by a person and the physical damage to the property would, when considered separately, constitute mischief in the third degree because of value, then the value of the damages may be aggregated in one count. If the sum of the value of all the physical damages exceeds two hundred fifty dollars, the defendant may be charged with and convicted of malicious mischief in the second degree.

Sec. 2. RCW 9A.56.030 and 2012 c 233 s 2 are each amended to read as follows:

(1) A person is guilty of theft in the first degree if he or she commits theft of:

(a) Property or services which exceed(s) five thousand dollars in value other than a firearm as defined in RCW 9.41.010;

(b) Property of any value, other than a firearm as defined in RCW 9.41.010 or a motor vehicle, taken from the person of another;

(c) A search and rescue dog, as defined in RCW 9.91.175, while the search and rescue dog is on duty; or

(d) Commercial metal (wire, taken from a public service company, as defined in RCW 80.04.010, or a consumer-owned utility, as defined in RCW 19.280.020,) property, nonferrous metal property, or private metal property, as those terms are defined in RCW 19.290.010, and the costs of the damage to the (public service company's or consumer-owned utility's) owner's property exceed five thousand dollars in value.

(2) Theft in the first degree is a class B felony.

Sec. 3. RCW 9A.56.040 and 2012 c 233 s 3 are each amended to read as follows:

(1) A person is guilty of theft in the second degree if he or she commits theft of:

(a) Property or services which exceed(s) seven hundred fifty dollars in value but does not exceed five thousand dollars in value, other than a firearm as defined in RCW 9.41.010 or a motor vehicle;
(b) A public record, writing, or instrument kept, filed, or deposited according to law with or in the keeping of any public office or public servant;

(c) Commercial metal ((wire, taken from a public service company, as defined in RCW 80.04.010, or a consumer-owned utility, as defined in RCW 19.280.020),) property, nonferrous metal property, or private metal property, as those terms are defined in RCW 19.290.010, and the costs of the damage to the ((public service company's or consumer-owned utility's)) owner's property exceed seven hundred fifty dollars but does not exceed five thousand dollars in value; or

(d) An access device.

(2) Theft in the second degree is a class C felony.

Sec. 4. RCW 19.290.010 and 2008 c 233 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commercial account" means a relationship between a scrap metal business and a commercial enterprise that is ongoing and properly documented under RCW 19.290.030.

(2) "Commercial enterprise" means a corporation, partnership, limited liability company, association, state agency, political subdivision of the state, public corporation, or any other legal or commercial entity.

(3) "Commercial metal property" means: Utility access covers; street light poles and fixtures; road and bridge guardrails; highway or street signs; water meter covers; traffic directional and control signs; traffic light signals; any metal property marked with the name of a commercial enterprise, including but not limited to a telephone, commercial mobile radio services, cable, electric, water, natural gas, or other utility, or railroad; unused or undamaged building construction materials consisting of copper pipe, tubing, or wiring, or aluminum wire, siding, downspouts, or gutters; aluminum or stainless steel fence panels made from one inch tubing, forty-two inches high with four-inch gaps; aluminum decking, bleachers, or risers; historical markers; statue plaques; grave markers and funeral vases; or agricultural irrigation wheels, sprinkler heads, and pipes.
(4) "Nonferrous metal property" means metal property for which the value of the metal property is derived from the property's content of copper, brass, aluminum, bronze, lead, zinc, nickel, and their alloys. "Nonferrous metal property" does not include precious metals.

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

(6) "Private metal property" means catalytic converters, either singly or in bundles, bales, or bulk, that have been removed from vehicles for sale as a specific commodity.

(7) "Record" means a paper, electronic, or other method of storing information.

(8) "Scrap metal business" means a scrap metal supplier, scrap metal ((recycling center)) recycler, and scrap metal processor.

(9) "Scrap metal processor" means a person with a current business license that conducts business from a permanent location, that is engaged in the business of purchasing or receiving private metal property, nonferrous metal property, and commercial metal property for the purpose of altering the metal in preparation for its use as feedstock in the manufacture of new products, and that maintains a hydraulic bailer, shearing device, or shredding device for recycling.

(10) "Scrap metal ((recycling center)) recycler" means a person with a current business license that is engaged in the business of purchasing or receiving private metal property, nonferrous metal property, and commercial metal property for the purpose of aggregation and sale to another scrap metal business and that maintains a fixed place of business within the state.

(11) "Scrap metal supplier" means a person with a current business license that is engaged in the business of purchasing or receiving private metal property or nonferrous metal property for the purpose of aggregation and sale to a scrap metal ((recycling center)) recycler or scrap metal processor and that does not maintain a fixed business location in the state.

(12) "Transaction" means a pledge, or the purchase of, or the trade of any item of private metal property or nonferrous metal property by a scrap metal business from a member of the general public. "Transaction" does not include donations or the purchase or receipt of private metal property or nonferrous metal property by a scrap metal business from a commercial enterprise, from another scrap metal
business, or from a duly authorized employee or agent of the commercial enterprise or scrap metal business.

(13) "Engage in business" means conducting more than twelve transactions in a twelve-month period.

(14) "Person" means an individual, domestic or foreign corporation, limited liability corporation, partnership, trust, unincorporated association, or other entity; an affiliate or associate of any such person; or any two or more persons acting as a partnership, syndicate, or other group for the purpose of acquiring, holding, or dispersing of securities of a domestic or foreign corporation.

Sec. 5. RCW 19.290.020 and 2008 c 233 s 2 are each amended to read as follows:

(1) At the time of a transaction, every scrap metal business doing business in this state shall produce wherever that business is conducted an accurate and legible record of each transaction involving private metal property or nonferrous metal property. This record must be written in the English language, documented on a standardized form or in electronic form, and contain the following information:

(a) The signature of the person with whom the transaction is made;

(b) The time, date, location, and value of the transaction;

(c) The name of the employee representing the scrap metal business in the transaction;

(d) The name, street address, and telephone number of the person with whom the transaction is made;

(e) The license plate number and state of issuance of the license plate on the motor vehicle used to deliver the private metal property or nonferrous metal property subject to the transaction;

(f) A description of the motor vehicle used to deliver the private metal property or nonferrous metal property subject to the transaction;

(g) The current driver's license number or other government-issued picture identification card number of the seller or a copy of the seller's government-issued picture identification card; and

(h) A description of the predominant types of private metal property or nonferrous metal property subject to the transaction, ((including the property's classification code as provided in)) utilizing the institute of scrap recycling industries' ((scrap
(2) For every transaction that involves private metal property or nonferrous metal property, every scrap metal business doing business in the state shall require the person with whom a transaction is being made to sign a declaration. The declaration may be included as part of the transactional record required under subsection (1) of this section, or on a receipt for the transaction. The declaration must state substantially the following:

"I, the undersigned, affirm under penalty of law that the property that is subject to this transaction is not to the best of my knowledge stolen property."

The declaration must be signed and dated by the person with whom the transaction is being made. An employee of the scrap metal business must witness the signing and dating of the declaration and sign the declaration accordingly before any transaction may be consummated.

(3) The record and declaration required under this section must be open to the inspection of any commissioned law enforcement officer of the state or any of its political subdivisions at all times during the ordinary hours of business, or at reasonable times if ordinary hours of business are not kept, and must be maintained wherever that business is conducted for five years following the date of the transaction.

Sec. 6. RCW 19.290.030 and 2008 c 233 s 3 are each amended to read as follows:

(1) No scrap metal business may enter into a transaction to purchase or receive private metal property or nonferrous metal property from any person who cannot produce at least one piece of current government-issued picture identification, including a valid driver's license or identification card issued by any state.

(2) No scrap metal business may purchase or receive private metal property or commercial metal property unless the seller: (a) Has a commercial account with the scrap metal business; (b) can prove ownership of the property by producing written documentation that the seller is the owner of the property; or (c) can produce written documentation that the seller is an employee or agent authorized to sell the property on behalf of a commercial enterprise.
(3) No scrap metal business may enter into a transaction to
purchase or receive metallic wire that was burned in whole or in part
to remove insulation unless the seller can produce written proof to the
scrap metal business that the wire was lawfully burned.

(4) (a) No transaction involving private metal property or
nonferrous metal property ((valued at greater than thirty dollars)) may
be made in cash or with any person who does not provide a street
address under the requirements of RCW 19.290.020 except as described in
(b) of this subsection. ((For transactions valued at greater than
thirty dollars,)) The person with whom the transaction is being made
may only be paid by a nontransferable check, mailed by the scrap metal
business to a street address provided under RCW 19.290.020, no earlier
than ((ten)) three days after the transaction was made. A transaction
occurs on the date provided in the record required under RCW
19.290.020.

(b) A scrap metal business that is in compliance with this chapter
that digitally captures: (i) A copy of one piece of current
government-issued picture identification, including a current driver's
license or identification card issued by any state and (ii) either a
picture or video of either the material subject to the transaction in
the form received or the material subject to the transaction within the
vehicle which the material was transported to the scrap metal business,
may pay up to a maximum of thirty dollars in cash, stored value device,
or electronic funds transfer. The balance of the value of the
transaction may be made by nontransferable check, stored value device,
or electronic funds transfer at the time the transaction is made. A
scrap metal business's usage of video surveillance shall be sufficient
to comply with this subsection (4)(b)(ii) as long as the video captures
the material subject to the transaction. A digital image or picture
taken under this subsection must be available for two years from the
date of transaction, while a video recording must be available for
thirty days.

(5) No scrap metal business may purchase or receive beer kegs from
anyone except a manufacturer of beer kegs or licensed brewery.

Sec. 7. RCW 19.290.040 and 2008 c 233 s 4 are each amended to read
as follows:

(1) Every scrap metal business must create and maintain a permanent
record with a commercial enterprise, including another scrap metal
business, in order to establish a commercial account. That record, at
a minimum, must include the following information:

(a) The full name of the commercial enterprise or commercial
account;

(b) The business address and telephone number of the commercial
enterprise or commercial account; and

(c) The full name of the person employed by the commercial
enterprise who is authorized to deliver private metal property,
nonferrous metal property, and commercial metal property to the scrap
metal business.

(2) The record maintained by a scrap metal business for a
commercial account must document every purchase or receipt of private
metal property, nonferrous metal property, and commercial metal
property from the commercial enterprise. The record must be maintained
for three years following the date of the transfer or receipt. The
documentation must include, at a minimum, the following information:

(a) The time, date, and value of the property being purchased or
received;

(b) A description of the predominant types of property being
purchased or received; and

(c) The signature of the person delivering the property to the
scrap metal business.

Sec. 8. RCW 19.290.050 and 2008 c 233 s 5 are each amended to read
as follows:

(1) Upon request by any commissioned law enforcement officer of the
state or any of its political subdivisions, every scrap metal business
shall furnish a full, true, and correct transcript of the records from
the purchase or receipt of private metal property, nonferrous metal
property, and commercial metal property involving only a ((specified))
specified individual, vehicle, or item of private metal property,
nonferrous metal property, or commercial metal property. This
information may be transmitted within a specified time of not less than
two business days to the applicable law enforcement agency
electronically, by facsimile transmission, or by modem or similar
device, or by delivery of computer disk subject to the requirements of,
and approval by, the chief of police or the county's chief law enforcement officer.

(2) Any records created or produced under this section are exempt from disclosure under chapter 42.56 RCW.

(3) If the scrap metal business has good cause to believe that any private metal property, nonferrous metal property, or commercial metal property in his or her possession has been previously lost or stolen, the scrap metal business shall promptly report that fact to the applicable commissioned law enforcement officer of the state, the chief of police, or the county's chief law enforcement officer, together with the name of the owner, if known, and the date when and the name of the person from whom it was received.

(4) Compliance with this section shall not give rise to or form the basis of private civil liability on the part of a scrap metal business or scrap metal recycler.

Sec. 9. RCW 19.290.060 and 2008 c 233 s 6 are each amended to read as follows:

(1) Following notification((, either verbally or)) in writing((,) from a commissioned law enforcement officer of the state or any of its political subdivisions that an item of private metal property, nonferrous metal property, or commercial metal property has been reported as stolen, a scrap metal business shall hold that property intact and safe from alteration, damage, or commingling, and shall place an identifying tag or other suitable identification upon the property. The scrap metal business shall hold the property for a period of time as directed by the applicable law enforcement agency up to a maximum of ten business days.

(2) A commissioned law enforcement officer of the state or any of its political subdivisions shall not place on hold any item of private metal property, nonferrous metal property, or commercial metal property unless that law enforcement agency reasonably suspects that the property is a lost or stolen item. Any hold that is placed on the property must be removed within ten business days after the property on hold is determined not to be stolen or lost and the property must be returned to the owner or released.
Sec. 10. RCW 19.290.070 and 2008 c 233 s 7 are each amended to read as follows:

It is a gross misdemeanor under chapter 9A.20 RCW for:

(1) Any person to deliberately remove, alter, or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of private metal property, nonferrous metal property, or commercial metal property in order to deceive a scrap metal business;

(2) Any scrap metal business to enter into a transaction to purchase or receive any private metal property, nonferrous metal property, or commercial metal property where the manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon the property have been deliberately and conspicuously removed, altered, or obliterated;

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

(4) Any scrap metal business to enter into a transaction to purchase or receive private metal property, nonferrous metal property, or commercial metal property from any person under the age of eighteen years or any person who is discernibly under the influence of intoxicating liquor or drugs;

(5) Any scrap metal business to enter into a transaction to purchase or receive private metal property, nonferrous metal property, or commercial metal property with anyone whom the scrap metal business has been informed by a law enforcement agency to have been convicted of a crime involving drugs, burglary, robbery, theft, or possession of or receiving stolen property, manufacturing, delivering, or possessing with intent to deliver methamphetamine, or possession of ephedrine or any of its salts or isomers or salts of isomers, pseudoephedrine or any of its salts or isomers or salts of isomers, or anhydrous ammonia with intent to manufacture methamphetamine within the past ((ten)) four years whether the person is acting in his or her own behalf or as the agent of another;

(6) Any person to sign the declaration required under RCW 19.290.020 knowing that the private metal property or nonferrous metal property subject to the transaction is stolen. The signature of a person on the declaration required under RCW 19.290.020 constitutes
evidence of intent to defraud a scrap metal business if that person is
found to have known that the private metal property or nonferrous metal
property subject to the transaction was stolen;

(7) Any scrap metal business to possess private metal property or
commercial metal property that was not lawfully purchased or received
under the requirements of this chapter; ((off))

(8) Any scrap metal business to engage in a series of transactions
valued at less than thirty dollars with the same seller for the
purposes of avoiding the requirements of RCW 19.290.030(4); or

(9) Any person to knowingly make a false or fictitious oral or
written statement or to furnish or exhibit any false, fictitious, or
 misrepresented identification, with the intent to deceive a scrap metal
business as to the actual seller of the scrap metal.

Sec. 11. RCW 19.290.090 and 2008 c 233 s 8 are each amended to
read as follows:

The provisions of this chapter do not apply to transactions
involving metal from the components of vehicles acquired by vehicle
wreckers, hulk haulers, or scrap processors licensed under chapter
46.79 or 46.80 RCW, and acquired in accordance with those laws or
transactions conducted by the following:

(1) Motor vehicle dealers licensed under chapter 46.70 RCW;

(2) ((Metal from the components of vehicles acquired by vehicle
wreckers or hulk haulers licensed under chapter 46.79 or 46.80 RCW, and
acquired in accordance with those laws;

(3))) Persons in the business of operating an automotive repair
facility as defined under RCW 46.71.011; and

((4))) (3) Persons in the business of buying or selling empty food
and beverage containers, including metal food and beverage containers.

NEW SECTION. Sec. 12. A new section is added to chapter 19.290
RCW to read as follows:

(1) It is unlawful for a person to engage in the business of a
scrap metal processor, scrap metal recycler, or scrap metal supplier
without having first applied for and received a scrap metal license.

(2)(a) Except as provided in (b) of this subsection, a person or
firm engaged in the unlawful activity described in this section is
guilty of a gross misdemeanor.
(b) A second or subsequent offense is a class C felony.

**NEW SECTION. Sec. 13.** A new section is added to chapter 19.290 RCW to read as follows:

Application for a scrap metal license or renewal of a scrap metal license shall be made on a form for this purpose, furnished by the department of licensing, and shall be signed by the license holder or his or her authorized agent and shall include the following information:

1. Name and address of the person, firm, partnership, association, limited liability company, or corporation under which name the business is to be conducted;
2. Names and residence address of all persons having an interest in the business or, if the owner is a corporation, the names and addresses of the officers thereof;
3. Certificate of approval of the chief executive officer or chief of police, or a designee, if the application is for a license within an incorporated city or town or, in any unincorporated area, the county legislative authority, the sheriff, or a designee, certifying that:
   a. The applicant has an established place of business at the address shown on the application;
   b. There are no known environmental, building code, zoning, or other land use regulation violations associated with the business being located at the address; and
   c. In the case of a renewal of a scrap metal license, the applicant is in compliance with this chapter: PROVIDED, That an authorized representative of the department of licensing may make the certification described in this section in any instance;
4. Any other information that the department of licensing may require.

**NEW SECTION. Sec. 14.** A new section is added to chapter 19.290 RCW to read as follows:

The application, together with the required fee, shall be forwarded to the department of licensing. Upon receipt of the application the department shall, if the application is in order, issue a scrap metal license authorizing the processor, recycler, or supplier to do business as such and forward the fee to the state treasurer. Upon receiving the
certificate, the owner shall cause it to be prominently displayed in the place of business, where it may be inspected by an investigating officer at any time. Every license must be issued in the name of the applicant and the holder thereof may not allow any other person to use the license.

NEW SECTION. Sec. 15. A new section is added to chapter 19.290 RCW to read as follows:

Before issuing a scrap metal license to a scrap metal processor or scrap metal recycler, the department of licensing shall require the applicant to file with the department a surety bond in the amount of ten thousand dollars, running to the state of Washington, and executed by a surety company authorized to do business in the state of Washington. The bond shall be approved as to form by the attorney general and conditioned upon the licensee conducting the business in conformity with the provisions of this chapter. Except as prohibited elsewhere in this chapter, any person who has suffered loss or damage by reason of fraud or gross negligence, or an intentional or reckless violation of the terms of this chapter, or misrepresentation on the part of the scrap metal processor or recycler, may institute an action for recovery against the licensee and surety upon the bond. However, the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond.

NEW SECTION. Sec. 16. A new section is added to chapter 19.290 RCW to read as follows:

A license issued on the scrap metal license application remains in force until suspended or revoked and may be renewed annually upon reapplication and upon payment of the required fee. A licensee who fails or neglects to renew the license before the assigned expiration date shall pay the fee for an original scrap metal license as provided in this chapter.

Whenever a scrap metal processor, recycler, or supplier ceases to do business as such or the license has been suspended or revoked, the licensee shall immediately surrender the license to the department of licensing.
NEW SECTION.  Sec. 17.  A new section is added to chapter 19.290 RCW to read as follows:

The licensee shall obtain a special set of license plates in addition to the regular licenses and plates required for the operation of such vehicles. The special plates must be displayed on vehicles owned and/or operated by the licensee and used in the conduct of the business. The fee for these plates shall be five dollars for the original plates and two dollars for each additional set of plates bearing the same license number. A licensee with more than one licensed location in the state may use special plates bearing the same license number for vehicles operated out of any of the licensed locations.

NEW SECTION.  Sec. 18.  A new section is added to chapter 19.290 RCW to read as follows:

The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

NEW SECTION.  Sec. 19.  A new section is added to chapter 19.290 RCW to read as follows:

If a person whose scrap metal license has previously been canceled for cause by the department of licensing files an application for a license to conduct business as a scrap metal processor, recycler, or supplier, or if the department is of the opinion that the application is not filed in good faith or that the application is filed by some person as a subterfuge for the real person in interest whose license has previously been canceled for cause, the department may refuse to issue the person a license to conduct business as a scrap metal processor, recycler, or supplier.

NEW SECTION.  Sec. 20.  A new section is added to chapter 19.290 RCW to read as follows:

(1) The director of licensing is hereby authorized to adopt reasonable rules and regulations not in conflict with provisions hereof for the proper operation and enforcement of this chapter.

(2) The director shall set all license and renewal fees in accordance with RCW 43.24.086.
NEW SECTION. **Sec. 21.** A new section is added to chapter 19.290 RCW to read as follows:

The chiefs of police, the county sheriffs, and the Washington state patrol may make periodic inspection of the licensee's licensed premises and records provided for in this chapter during normal business hours, and furnish a certificate of inspection to the department of licensing in such manner as may be determined by the department. In any instance, an authorized representative of the department may make the inspection. Licensees are subject to unannounced periodic inspections, as described in this section.

NEW SECTION. **Sec. 22.** A new section is added to chapter 19.290 RCW to read as follows:

The state of Washington hereby fully occupies and preempts the entire field of regulation of scrap metal processors, recyclers, or suppliers within the boundaries of the state. Any political subdivision in this state may enact or enforce only those laws and ordinances relating to the regulation of scrap metal processors, recyclers, or suppliers that are specifically authorized by state law and are consistent with this chapter. Nothing in this chapter is intended to limit the authority of any political subdivision to impose generally applicable zoning, land use, permitting, general business licensing, environmental, and health and safety requirements or authorized business taxes upon scrap metal processors, recyclers, or suppliers within their jurisdictions. Local ordinances pertaining specifically to scrap metal processors, recyclers, or suppliers shall have the same or lesser penalty as provided for by state law. Local scrap metal laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law shall not be enacted and are hereby preempted and repealed, regardless of the code, charter, or home rule status of such political subdivision.

NEW SECTION. **Sec. 23.** A new section is added to chapter 19.290 RCW to read as follows:

(1) In addition to the powers granted in chapter 18.235 RCW, the department of licensing or its authorized agent may examine or subpoena any persons, books, papers, records, data, vehicles, or metal property bearing upon the investigation or proceeding under this chapter.
(2) The persons subpoenaed may be required to testify and produce any books, papers, records, data, vehicles, or metal property that the director of licensing deems relevant or material to the inquiry.

(3) The director of the department of licensing or an authorized agent may administer an oath to the person required to testify, and a person giving false testimony after the administration of the oath is guilty of perjury in the first degree under RCW 9A.72.020.

(4)(a) Any authorized representative of the director of the department of licensing may apply for and obtain a superior court order approving and authorizing a subpoena in advance of its issuance. The application may be made in the county where the subpoenaed person resides or is found, or the county where the subpoenaed records or documents are located, or in Thurston county. The application must:
   (i) State that an order is sought pursuant to this subsection;
   (ii) Adequately specify the records, documents, or testimony; and
   (iii) Declare under oath that an investigation is being conducted for a lawfully authorized purpose related to an investigation within the department's authority and that the subpoenaed documents or testimony are reasonably related to an investigation within the department's authority.

   (b) Where the application under this subsection is made to the satisfaction of the court, the court must issue an order approving the subpoena. An order under this subsection constitutes authority of law for the agency to subpoena the records or testimony.

   (c) Any authorized representative of the director of the department of licensing may seek approval and a court may issue an order under this subsection without prior notice to any person, including the person to whom the subpoena is directed and the person who is the subject of an investigation.

(5) Any records created or produced under this section are exempt from disclosure under chapter 42.56 RCW.

NEW SECTION. Sec. 24. A new section is added to chapter 36.28A RCW to read as follows:

(1) When funded, the Washington association of sheriffs and police chiefs shall establish a grant program to assist local law enforcement agencies in the support of special enforcement emphasis targeting metal
Grant applications shall be reviewed and awarded through peer review panels. Grant applicants are encouraged to utilize multijurisdictional efforts.

(2) Each grant applicant shall:
   (a) Show a significant metal theft problem in the jurisdiction or jurisdictions receiving the grant;
   (b) Verify that grant awards are sufficient to cover increased investigation, prosecution, and jail costs;
   (c) Design an enforcement program that best suits the specific metal theft problem in the jurisdiction or jurisdictions receiving the grant;
   (d) Demonstrate community coordination focusing on prevention, intervention, and suppression; and
   (e) Collect data on performance.

(3) The cost of administering the grants shall not exceed sixty thousand dollars, or three percent of appropriated funding, whichever is greater.

(4) Grant awards may not be used to supplant preexisting funding sources for special enforcement targeting metal theft.

**NEW SECTION.** Sec. 25. A new section is added to chapter 19.290 RCW to read as follows:

(1) Law enforcement agencies may register with the scrap theft alert system that is maintained and provided at no charge to users by the institute of scrap recycling industries, incorporated, or its successor organization, to receive alerts regarding thefts of private, nonferrous, or commercial metal property in the relevant geographic area.

(2) Any business licensed under this chapter shall:
   (a) Sign up with the scrap theft alert system that is maintained and provided at no charge to users by the institute of scrap recycling industries, incorporated, or its successor organization, to receive alerts regarding thefts of private, nonferrous, or commercial metal property in the relevant geographic area;
   (b) Download the scrap metal theft alerts generated by the scrap theft alert system on a daily basis;
   (c) Use the alerts to identify potentially stolen commercial metal property, nonferrous metal property, and private metal property; and
(d) Maintain for ninety days copies of any theft alerts received and downloaded pursuant to this section.

Sec. 26. RCW 9.94A.515 and 2012 c 176 s 3 and 2012 c 162 s 1 are each reenacted and amended to read as follows:

TABLE 2

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Criminal Mistreatment 1 (RCW 9A.42.020)
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   Age Fourteen (subsequent sex
   offense) (RCW 9A.88.010)
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   9A.36.080)
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2 Unlawful factoring of a credit card or
3 payment card transaction (RCW 9A.56.290(4)(b))
4 Unlawful transaction of health
5 coverage as a health care service
6 contractor (RCW 48.44.016(3))
7 Unlawful transaction of health
8 coverage as a health maintenance
9 organization (RCW 48.46.033(3))
10 Unlawful transaction of insurance
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12 Unlicensed practice as an insurance
13 professional (RCW 48.17.063(2))
14 Use of Proceeds of Criminal
15 Profiteering (RCW 9A.82.080 (1)
16 and (2))
17 Vehicular Assault, by being under the
18 influence of intoxicating liquor or
19 any drug, or by the operation or
20 driving of a vehicle in a reckless
21 manner (RCW 46.61.522)
22 Viewing of Depictions of a Minor
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24 Conduct 1 (RCW 9.68A.075(1))
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26 Furlough (RCW 72.66.060)
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28 Contact) (RCW 16.52.205(3))
29 Assault 3 (Except Assault 3 of a Peace
30 Officer With a Projectile Stun
31 Gun) (RCW 9A.36.031 except
32 subsection (1)(h))
33 Assault of a Child 3 (RCW 9A.36.140)
34 Bail Jumping with class B or C Felony
35 (RCW 9A.76.170(3)(c))
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Cyberstalking (subsequent conviction
or threat of death) (RCW
9.61.260(3))
Escape 2 (RCW 9A.76.120)
Extortion 2 (RCW 9A.56.130)
Harassment (RCW 9A.46.020)
Intimidating a Public Servant (RCW
9A.76.180)
Introducing Contraband 2 (RCW
9A.76.150)
Malicious Injury to Railroad Property
   (RCW 81.60.070)
Mortgage Fraud (RCW 19.144.080)
Negligently Causing Substantial Bodily
   Harm By Use of a Signal
   Preemption Device (RCW
   46.37.674)
Organized Retail Theft 1 (RCW
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9.40.120)
Possession of Machine Gun or Short-
   Barreled Shotgun or Rifle (RCW
   9.41.190)
Promoting Prostitution 2 (RCW
9A.88.080)
Retail Theft with Extenuating
   Circumstances 1 (RCW
   9A.56.360(2))
Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))

Theft of Livestock 2 (RCW 9A.56.083)
Theft with the Intent to Resell 1 (RCW 9A.56.340(2))

Trafficking in Stolen Property 2 (RCW 9A.82.055)

Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful possession of firearm in the second degree (RCW 9.41.040(2))

Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))

Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))

Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))

Computer Trespass 1 (RCW 9A.52.110)

Counterfeiting (RCW 9.16.035(3))
Engaging in Fish Dealing Activity
  Unlicensed 1 (RCW 77.15.620(3))
Escape from Community Custody
  (RCW 72.09.310)
Failure to Register as a Sex Offender
  (second or subsequent offense)
  (RCW 9A.44.132)
Health Care False Claims (RCW
  48.80.030)
Identity Theft 2 (RCW 9.35.020(3))
Improperly Obtaining Financial
  Information (RCW 9.35.010)
Malicious Mischief 1 (RCW
  9A.48.070)
Organized Retail Theft 2 (RCW
  9A.56.350(3))
Possession of Stolen Property 1 (RCW
  9A.56.150)
Possession of a Stolen Vehicle (RCW
  9A.56.068)
Retail Theft with Extenuating
  Circumstances 2 (RCW
  9A.56.360(3))
Scrap Processing, Recycling, or
Supplying Without a License
  (second or subsequent offense)
  (section 12 of this act)
Theft 1 (RCW 9A.56.030)
Theft of a Motor Vehicle (RCW
  9A.56.065)
Theft of Rental, Leased, or Lease-
purchased Property (valued at one
thousand five hundred dollars or
more) (RCW 9A.56.096(5)(a))
Theft with the Intent to Resell 2 (RCW
  9A.56.340(3))
Trafficking in Insurance Claims (RCW 48.30A.015)
Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
Unlawful Practice of Law (RCW 2.48.180)
Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))
Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))
Voyeurism (RCW 9A.44.115)
I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
False Verification for Welfare (RCW 74.08.055)
 Forgery (RCW 9A.60.020)
 Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
Malicious Mischief 2 (RCW 9A.48.080)
Mineral Trespass (RCW 78.44.330)
Possession of Stolen Property 2 (RCW 9A.56.160)
Reckless Burning 1 (RCW 9A.48.040)
Spotlighting Big Game 1 (RCW 77.15.450(3)(b))
Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))
Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
Theft 2 (RCW 9A.56.040)
Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))
Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)
Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
Unlawful Possession of Payment Instruments (RCW 9A.56.320)
Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)
Unlawful Production of Payment Instruments (RCW 9A.56.320)
Unlawful Release of Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))
Unlawful Trafficking in Food Stamps (RCW 9.91.142)
Unlawful Use of Food Stamps (RCW 9.91.144)
Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))
NEW SECTION. Sec. 27. A new section is added to chapter 19.290 RCW to read as follows:

(1) The following personal property is subject to seizure and forfeiture and no property right exists in them: All personal property including, but not limited to, any item, object, tool, substance, device, weapon, machine, vehicle of any kind, money, security, or negotiable instrument, which the seizing agency proves by a preponderance of the evidence was used or intended to be used by its owner or the person in charge to knowingly or intentionally facilitate the commission of, or to knowingly or intentionally abet the commission of, a crime involving theft, trafficking, or unlawful possession of commercial metal property, or which the seizing agency proves by a preponderance of the evidence was knowingly or intentionally furnished or was intended to be furnished by any person in the commission of, as a result of, or as compensation for the commission of, a crime involving theft, trafficking, or the unlawful possession of commercial metal property, or which the property owner acquired in whole or in part with proceeds traceable to a knowing or intentional commission of a crime involving the theft, trafficking, or unlawful possession of commercial metal property provided that such activity is not less than a class C felony; except that:

(a) No vehicle used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless the seizing agency proves by a preponderance of the evidence that the owner or other person in charge of the vehicle is a consenting party or is privy to any crime involving theft, trafficking, or the unlawful possession of commercial metal property;

(b) A forfeiture of property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had actual or constructive knowledge of nor consented to
the commission of any crime involving the theft, trafficking, or unlawful possession of commercial metal property; and

(c) A property owner's property is not subject to seizure if an employee or agent of that property owner uses the property owner's property to knowingly or intentionally facilitate the commission of, or to knowingly or intentionally aid and abet the commission of, a crime involving theft, trafficking, or unlawful possession of commercial metal property, in violation of that property owner's instructions or policies against such activity, and without the property owner's knowledge or consent.

(2) The following real property is subject to seizure and forfeiture and no property right exists in them: All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements, that the seizing agency proves by a preponderance of the evidence are being used with the knowledge of the owner for the intentional commission of any crime involving the theft, trafficking, or unlawful possession of commercial metal property, or which have been acquired in whole or in part with proceeds traceable to the commission of any crime involving the trafficking, theft, or unlawful possession of commercial metal, if such activity is not less than a class C felony and a substantial nexus exists between the commission of the violation or crime and the real property. However:

(a) No property may be forfeited pursuant to this subsection (2), to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's actual or constructive knowledge; and further, a property owner's real property is not subject to seizure if an employee or agent of that property owner uses the property owner's real property to knowingly or intentionally facilitate the commission of, or to knowingly or intentionally aid and abet the commission of, a crime involving theft, trafficking, or unlawful possession of commercial metal property, in violation of that property owner's instructions or policies against such activity, and without the property owner's knowledge or consent; and

(b) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if
the secured party, neither had actual or constructive knowledge, nor
consented to the act or omission.

(3) Property subject to forfeiture under this chapter may be seized
by any law enforcement officer of this state upon process issued by any
superior court having jurisdiction over the property. Seizure of real
property shall include the filing of a lis pendens by the seizing
agency. Real property seized under this section shall not be
transferred or otherwise conveyed until ninety days after seizure or
until a judgment of forfeiture is entered, whichever is later:
PROVIDED, That real property seized under this section may be
transferred or conveyed to any person or entity who acquires title by
foreclosure or deed in lieu of foreclosure of a security interest.

Seizure of personal property without process may be made if:

(a) The seizure is incident to an arrest or a search under a search
warrant; or

(b) The property subject to seizure has been the subject of a prior
judgment in favor of the state in a criminal injunction or forfeiture
proceeding.

(4) In the event of seizure pursuant to this section, proceedings
for forfeiture shall be deemed commenced by the seizure. The law
enforcement agency under whose authority the seizure was made shall
cause notice to be served within fifteen days following the seizure on
the owner of the property seized and the person in charge thereof and
any person having any known right or interest therein, including any
community property interest, of the seizure and intended forfeiture of
the seized property. Service of notice of seizure of real property
shall be made according to the rules of civil procedure. However, the
state may not obtain a default judgment with respect to real property
against a party who is served by substituted service absent an
affidavit stating that a good faith effort has been made to ascertain
if the defaulted party is incarcerated within the state, and that there
is no present basis to believe that the party is incarcerated within
the state. The notice of seizure of personal property may be served by
any method authorized by law or court rule including but not limited to
service by certified mail with return receipt requested. Service by
mail shall be deemed complete upon mailing within the fifteen day
period following the seizure. Notice of seizure in the case of
property subject to a security interest that has been perfected by
filing a financing statement in accordance with chapter 62A.9A RCW, or a certificate of title shall be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title.

(5) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the item seized shall be deemed forfeited. The community property interest in real property of a person whose spouse or domestic partner committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.

(6) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized property within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the law enforcement agency shall give the person or persons a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of the property is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the property involved, the prevailing party shall be entitled to a judgment
for costs and reasonable attorneys' fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property.

(7) At the hearing, the seizing agency has the burden of proof to establish by a preponderance of the evidence that seized property is subject to forfeiture, and that the use or intended use of the seized property in connection with a crime pursuant to this section occurred with the owner's actual or constructive knowledge or consent. The person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property has the burden of proof to establish by a preponderance of the evidence that the person owns or has a right to possess the seized property. The possession of bare legal title is not sufficient to establish ownership of seized property if the seizing agency proves by a preponderance of the evidence that the person claiming ownership or right to possession is a nominal owner and did not actually own or exert a controlling interest in the property.

The seizing law enforcement agency shall promptly return the property to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession of the property.

(8) When property is forfeited under this chapter, after satisfying any court-ordered victim restitution, the seizing law enforcement agency may:

(a) Retain it for official use or, upon application by any law enforcement agency of this state, release such property to such agency; or

(b) Sell that which is not required to be destroyed by law and which is not harmful to the public.

(9)(a) Within one hundred twenty days after the entry of an order of forfeiture, each seizing agency shall remit to, if known, the victim of the crime involving the seized property, an amount equal to fifty percent of the net proceeds of any property forfeited.

(b) Retained property and net proceeds not required to be paid to victims shall be retained by the seizing law enforcement agency exclusively for the expansion and improvement of law enforcement
activity. Money retained under this section may not be used to
supplant preexisting funding sources.

(c) The net proceeds of forfeited property is the value of the
forfeitable interest in the property after deducting the cost of
satisfying any bona fide security interest to which the property is
subject at the time of seizure; and in the case of sold property, after
deducting the cost of sale, including reasonable fees or commissions
paid to independent selling agents, and the cost of any valid
landlord's claim for damages.

(d) The value of sold forfeited property is the sale price. The
value of retained forfeited property is the fair market value of the
property at the time of seizure, determined when possible by reference
to an applicable commonly used index, such as the index used by the
department of licensing for valuation of motor vehicles. A seizing
agency may use, but need not use, an independent qualified appraiser to
determine the value of retained property. If an appraiser is used, the
value of the property appraised is net of the cost of the appraisal.
The value of destroyed property and retained firearms or illegal
property is zero.

(10) Upon the entry of an order of forfeiture of real property, the
court shall forward a copy of the order to the assessor of the county
in which the property is located. Orders for the forfeiture of real
property shall be entered by the superior court, subject to court
rules. Such an order shall be filed by the seizing agency in the
county auditor's records in the county in which the real property is
located.

NEW SECTION. Sec. 28. A new section is added to chapter 19.290
RCW to read as follows:

The provisions of this chapter shall be liberally construed to the
end that traffic in stolen private metal property or nonferrous metal
property may be prevented, and irresponsible, unreliable, or dishonest
persons may be prevented from engaging in the business of processing,
recycling, or supplying scrap metal in this state and reliable persons
may be encouraged to engage in businesses of processing, recycling, or
supplying scrap metal in this state.
Sec. 29. RCW 18.235.020 and 2010 c 179 s 18 are each amended to read as follows:

(1) This chapter applies only to the director and the boards and commissions having jurisdiction in relation to the businesses and professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The director has authority under this chapter in relation to the following businesses and professions:

(i) Auctioneers under chapter 18.11 RCW;

(ii) Bail bond agents and bail bond recovery agents under chapter 18.185 RCW;

(iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;

(iv) Commercial telephone solicitors under chapter 19.158 RCW;

(v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;

(vi) Court reporters under chapter 18.145 RCW;

(vii) Driver training schools and instructors under chapter 46.82 RCW;

(viii) Employment agencies under chapter 19.31 RCW;

(ix) For hire vehicle operators under chapter 46.72 RCW;

(x) Limousines under chapter 46.72A RCW;

(xi) Notaries public under chapter 42.44 RCW;

(xii) Private investigators under chapter 18.165 RCW;

(xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;

(xiv) Real estate appraisers under chapter 18.140 RCW;

(xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;

(xvi) Scrap metal processors, scrap metal recyclers, and scrap metal suppliers under chapter 19.290 RCW;

(xvii) Security guards under chapter 18.170 RCW;

((xvii)) Sellers of travel under chapter 19.138 RCW;

((xvii)) Timeshares and timeshare salespersons under chapter 64.36 RCW;

((xvii)) Whitewater river outfitters under chapter 79A.60
Home inspectors under chapter 18.280 RCW; (xxi)

Body artists, body piercers, and tattoo artists, and body art, body piercing, and tattooing shops and businesses, under chapter 18.300 RCW; and (xxii)

Appraisal management companies under chapter 18.310 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The state board (of registration) for architects established in chapter 18.08 RCW;

(ii) The Washington state collection agency board established in chapter 19.16 RCW;

(iii) The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;

(iv) The funeral and cemetery board established in chapter 18.39 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

(v) The state board of licensure for landscape architects established in chapter 18.96 RCW; and

(vi) The state geologist licensing board established in chapter 18.220 RCW.

(3) In addition to the authority to discipline license holders, the disciplinary authority may grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered under RCW 18.235.110 by the disciplinary authority.

Sec. 30. RCW 43.24.150 and 2011 c 298 s 25 are each amended to read as follows:

(1) The business and professions account is created in the state treasury. All receipts from business or professional licenses, registrations, certifications, renewals, examinations, or civil penalties assessed and collected by the department from the following chapters must be deposited into the account:

(a) Chapter 18.11 RCW, auctioneers;
(b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;
(c) Chapter 18.145 RCW, court reporters;
(d) Chapter 18.165 RCW, private investigators;
(e) Chapter 18.170 RCW, security guards;
(f) Chapter 18.185 RCW, bail bond agents;
(g) Chapter 18.280 RCW, home inspectors;
(h) Chapter 19.16 RCW, collection agencies;
(i) Chapter 19.31 RCW, employment agencies;
(j) Chapter 19.105 RCW, camping resorts;
(k) Chapter 19.138 RCW, sellers of travel;
(l) Chapter 42.44 RCW, notaries public;
(m) Chapter 64.36 RCW, timeshares;
(n) Chapter 67.08 RCW, boxing, martial arts, and wrestling;
(o) Chapter 18.300 RCW, body art, body piercing, and tattooing;
(p) Chapter 79A.60 RCW, whitewater river outfitters; (and)
(q) Chapter 19.158 RCW, commercial telephone solicitation; and
(r) Chapter 19.290 RCW, scrap metal businesses.

Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for expenses incurred in carrying out these business and professions licensing activities of the department. Any residue in the account must be accumulated and may not revert to the general fund at the end of the biennium.

(2) The director must biennially prepare a budget request based on the anticipated costs of administering the business and professions licensing activities listed in subsection (1) of this section, which must include the estimated income from these business and professions fees.

NEW SECTION. Sec. 31. A new section is added to chapter 43.43 RCW to read as follows:

(1) Beginning on July 1, 2014, when funded, the Washington association of sheriffs and police chiefs shall implement and operate an ongoing electronic statewide no-buy list database program.
(2) The database must be made available on a web site.
(3) The no-buy list database program shall allow for any scrap metal business to enter a customer's name and date of birth into the database. The database must determine if the customer pursuing the
transaction with the scrap metal business has been convicted in
Washington of any crime involving burglary, robbery, theft, or
possession of or receiving stolen property within the past four years.
(4) If the customer has been convicted of any crime involving
burglary, robbery, theft, or possession of or receiving stolen property
within the past four years despite whether the person was acting in his
or her own behalf or as the agent of another then, at a minimum, the
no-buy list database program must immediately send an alert to the
scrap metal business stating: (a) That the customer is listed on a
current no-buy list, (b) the four-year expiration period for the
customer's most recent crime listed, and (c) a notification that
entering into a transaction with the customer is prohibited under RCW
19.290.070.

NEW SECTION. Sec. 32. A new section is added to chapter 19.290
RCW to read as follows:
A scrap metal business shall, before completing any transaction
under this chapter, determine whether such customer is listed in the
Washington association of sheriffs and police chiefs no-buy list
database program established and made available under section 31 of
this act.

NEW SECTION. Sec. 33. A new section is added to chapter 43.43 RCW
to read as follows:
The Washington association of sheriffs and police chiefs shall not
be held liable for civil damages resulting from any act or omission in
carrying out the requirements of section 31 of this act other than an
act or omission constituting gross negligence or willful or wanton
misconduct.

*NEW SECTION. Sec. 34. If one million five hundred thousand
dollars for the purposes of this act, referencing this act by bill or
chapter number, is not provided by June 30, 2013, in the omnibus
appropriations act, this act is null and void.
*Sec. 34 was vetoed. See message at end of chapter.

NEW SECTION. Sec. 35. Sections 12 through 23 of this act take
effect January 1, 2014.
NEW SECTION. Sec. 36. The director of the department of licensing may take the necessary steps to ensure that sections 12 through 23 of this act are implemented on January 1, 2014.

Passed by the House April 25, 2013.
Passed by the Senate April 16, 2013.
Approved by the Governor May 21, 2013, with the exception of certain items that were vetoed.
Filed in Office of Secretary of State May 21, 2013.

Note: Governor's explanation of partial veto is as follows:
"I am returning herewith, without my approval as to Section 34, Engrossed Substitute House Bill 1552 entitled:

"AN ACT Relating to the reduction of metal theft."

Metal theft causes substantial and often expensive property damage harming, among others, businesses, utilities, state and local governments, and individual citizens. Under certain circumstances, metal theft can also lead to significant safety hazards. Our state has enacted laws over the past several years to curb metal theft by increasing penalties and regulation of businesses purchasing or receiving metal.

This bill is the result of recommendations from a wide array of stakeholders, including businesses, metal recyclers, utilities, local governments, and local law enforcement to enhance our laws to prevent metal theft. New licensing, purchasing, and records retention regulations are instituted. Further, changes are made to penalties associated with metal theft and illegal purchasing of scrap metal, and grants are established for enforcement.

Pursuant to Section 34 of this bill, if $1.5 million for the purposes of this act is not provided by June 30, 2013, in the omnibus appropriations act, this act is null and void. Unfortunately, the Legislature has not passed a budget at this time. It is my expectation that by passing this bill, the Legislature intends to provide the funding. It is also my expectation that the stakeholders who worked on this act, and will benefit from its enactment, will continue their efforts to secure funding to support the law enforcement grant provisions. To ensure the important, new regulatory provisions of this act are put in place as a means of combating metal theft, I am vetoing Section 34 of this bill.

For these reasons, I have vetoed Section 34 of Engrossed Substitute House Bill 1552.

With the exception of Section 34, Engrossed Substitute House Bill 1552 is approved."