

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1623

65th Legislature
2017 Regular Session

Passed by the House February 27, 2017
Yeas 95 Nays 1

Speaker of the House of Representatives

Passed by the Senate April 10, 2017
Yeas 47 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1623** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1623

Passed Legislature - 2017 Regular Session

State of Washington

65th Legislature

2017 Regular Session

By Representatives Senn, Springer, Tarleton, and Slatter

Read first time 01/25/17. Referred to Committee on Business & Financial Services.

1 AN ACT Relating to secondhand dealers utilizing automated kiosks
2 to purchase secondhand electronic devices; amending RCW 19.60.020 and
3 19.60.055; reenacting and amending RCW 19.60.010; and adding a new
4 section to chapter 19.60 RCW.

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

6 **Sec. 1.** RCW 19.60.010 and 2011 c 289 s 2 are each reenacted and
7 amended to read as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

10 (1) "Automated kiosk" means a self-serve interactive machine that
11 purchases secondhand electronic devices.

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

16 ((+2)) (3) "Melted metals" means metals derived from metal junk
17 or precious metals that have been reduced to a melted state from
18 other than ore or ingots which are produced from ore that has not
19 previously been processed.

1 ~~((3))~~ (4) "Metal junk" means any metal that has previously been
2 milled, shaped, stamped, or forged and that is no longer useful in
3 its original form, except precious metals.

4 ~~((4))~~ (5) "Nonmetal junk" means any nonmetal, commonly
5 discarded item that is worn out, or has outlasted its usefulness as
6 intended in its original form except nonmetal junk does not include
7 an item made in a former period which has enhanced value because of
8 its age.

9 ~~((5))~~ (6) "Pawnbroker" means every person engaged, in whole or
10 in part, in the business of loaning money on the security of pledges
11 of personal property, or deposits or conditional sales of personal
12 property, or the purchase or sale of personal property.

13 ~~((6))~~ (7) "Precious metals" means gold, silver, and platinum.

14 ~~((7))~~ (8) "Secondhand dealer" means every person engaged in
15 whole or in part in the business of purchasing, selling, trading,
16 consignment selling, or otherwise transferring for value, secondhand
17 property including metal junk, melted metals, precious metals,
18 whether or not the person maintains a fixed place of business within
19 the state. Secondhand dealer also includes persons or entities
20 conducting business, more than three times per year, at flea markets
21 or swap meets. Secondhand dealer also includes persons or entities
22 operating an automated kiosk.

23 ~~((8))~~ (9) "Secondhand precious metal dealer" means any person
24 or entity engaged in whole or in part in the commercial activity or
25 business of purchasing, selling, trading, consignment selling, or
26 otherwise transferring for value, more than three times per year,
27 secondhand property that is a precious metal, whether or not the
28 person or entity maintains a permanent or fixed place of business
29 within the state, or engages in the business at flea markets or swap
30 meets. The terms "precious metal" and "secondhand property," for
31 purposes of transactions by a secondhand precious metal dealer, do
32 not include: (a) Gold, silver, or platinum coins, or other precious
33 metal coins, that are legal tender, or precious metal coins that have
34 numismatic or precious metal value, (b) gold, silver, platinum, or
35 other precious metal bullion, or (c) gold, silver, platinum, or other
36 precious metal dust, flakes, or nuggets.

37 ~~((9))~~ (10) "Secondhand property" means any item of personal
38 property offered for sale which is not new, including metals in any
39 form, except postage stamps, coins that are legal tender, bullion in

1 the form of fabricated hallmarked bars, used books, and clothing of a
2 resale value of seventy-five dollars or less, except furs.

3 ~~((+10))~~ (11) "Transaction" means a pledge, or the purchase of,
4 or consignment of, or the trade of any item of personal property by a
5 pawnbroker or a secondhand dealer from a member of the general
6 public.

7 **Sec. 2.** RCW 19.60.020 and 1991 c 323 s 2 are each amended to
8 read as follows:

9 (1) Every pawnbroker and secondhand dealer doing business in this
10 state shall maintain wherever that business is conducted a record in
11 which shall be legibly written in the English language, at the time
12 of each transaction the following information:

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

15 (b) The date of the transaction;

16 (c) The name of the person or employee or the identification
17 number of the person or employee conducting the transaction, as
18 required by the applicable chief of police or the county's chief law
19 enforcement officer;

20 (d) The name, date of birth, sex, height, weight, race, and
21 address and telephone number of the person with whom the transaction
22 is made;

23 (e) A complete description of the property pledged, bought, or
24 consigned, including the brand name, serial number, model number or
25 name, any initials or engraving, size, pattern, and color or stone or
26 stones, and in the case of firearms, the caliber, barrel length, type
27 of action, and whether it is a pistol, rifle, or shotgun;

28 (f) The price paid or the amount loaned;

29 (g) The type and identifying number of identification used by the
30 person with whom the transaction was made, which shall consist of a
31 valid drivers license or identification card issued by any state or
32 two pieces of identification issued by a governmental agency, one of
33 which shall be descriptive of the person identified. At all times,
34 one piece of current government issued picture identification will be
35 required; and

36 (h) The nature of the transaction, a number identifying the
37 transaction, the store identification as designated by the applicable
38 law enforcement agency, or the name and address of the business and

1 the name of the person or employee, conducting the transaction, and
2 the location of the property.

3 (2) This record shall at all times during the ordinary hours of
4 business, or at reasonable times if ordinary hours of business are
5 not kept, be open to the inspection of any commissioned law
6 enforcement officer of the state or any of its political
7 subdivisions, and shall be maintained wherever that business is
8 conducted, or at the secondhand dealer's principal place of business
9 if the transaction took place through the use of an automated kiosk,
10 for three years following the date of the transaction.

11 **Sec. 3.** RCW 19.60.055 and 1991 c 323 s 6 are each amended to
12 read as follows:

13 (1) Property bought or received on consignment by any secondhand
14 dealer with a permanent place of business in the state shall not be
15 removed from that place of business except consigned property
16 returned to the owner, within thirty days after the receipt of the
17 property. Property shall at all times during the ordinary hours of
18 business be open to inspection to any commissioned law enforcement
19 officer of the state or any of its political subdivisions.

20 (2) Property bought or received on consignment by any secondhand
21 dealer without a permanent place of business in the state, shall be
22 held within the city or county in which the property was received,
23 except consigned property returned to the owner, within thirty days
24 after receipt of the property. The property shall be available within
25 the appropriate jurisdiction for inspection at reasonable times by
26 any commissioned law enforcement officer of the state or any of its
27 political subdivisions.

28 (3) Property bought by any secondhand dealer through the use of
29 an automated kiosk must be held for at least thirty days after the
30 secondhand property was accepted by the automated kiosk. To satisfy
31 this requirement the secondhand property may be held inside the
32 automated kiosk or at a secure location maintained by the secondhand
33 dealer. The secondhand property purchased through an automated kiosk
34 must be made available to any commissioned law enforcement officer of
35 the state, or any of its political subdivisions, for inspection
36 within a reasonable time. The cost of transporting the secondhand
37 property to the law enforcement officer must be paid by the
38 secondhand dealer.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 19.60
2 RCW to read as follows:

3 For a secondhand dealer to utilize an automated kiosk to purchase
4 secondhand property in this state, the automated kiosk must have the
5 capability to:

6 (1) Collect all information required under RCW 19.60.020(1);

7 (2) Connect with a live customer service representative that can
8 remotely verify the identity of the person engaged in the
9 transaction;

10 (3) Compare the secondhand property purchased against a state or
11 federal database of stolen items using the serial number,
12 International Mobile Equipment Identity (IMEI), the mobile equipment
13 identifier (MEID), or other unique identifying number assigned to the
14 device by the manufacturer; and

15 (4) Securely store all secondhand property purchased.

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