

ESHB 2153 - S COMM AMD

By Committee on Transportation

ADOPTED 03/01/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that rates of
4 catalytic converter theft have rapidly increased statewide and
5 nationwide, due in part to existing challenges with accurately
6 identifying stolen catalytic converters and tracking them through the
7 stream of commerce after they have been removed from their
8 originating vehicles. The legislature also finds that recent evidence
9 suggests most purchases of stolen catalytic converters are conducted
10 by unlicensed, unregulated purchasers.

11 Therefore, the legislature intends to require all purchasers to
12 be licensed and subject to regulation and inspection. To facilitate
13 the ability to track catalytic converters, the legislature further
14 intends to require permanent marking of catalytic converters for the
15 purpose of identifying the originating vehicle. The legislature also
16 intends to create a related structure for enforcing these provisions
17 and imposing penalties commensurate with the enforcement and penalty
18 structures found in comparable areas of law.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.290
20 RCW to read as follows:

21 Nothing in this chapter shall be construed to authorize licensed
22 scrap metal businesses to purchase or sell junk vehicles or major
23 component parts as defined in RCW 46.79.010.

24 **Sec. 3.** RCW 19.290.010 and 2023 c 125 s 2 are each amended to
25 read as follows:

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

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

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

8 (3) "Commercial metal property" means: Utility access covers;
9 street light poles and fixtures; road and bridge guardrails; highway
10 or street signs; water meter covers; traffic directional and control
11 signs; traffic light signals; any metal property marked with the name
12 of a commercial enterprise, including but not limited to a telephone,
13 commercial mobile radio services, cable, electric, water, natural
14 gas, or other utility, or railroad; unused or undamaged building
15 construction materials consisting of copper pipe, tubing, or wiring,
16 or aluminum wire, siding, downspouts, or gutters; aluminum or
17 stainless steel fence panels made from one inch tubing, 42 inches
18 high with four-inch gaps; aluminum decking, bleachers, or risers;
19 historical markers; statue plaques; grave markers and funeral vases;
20 components of electric vehicle supply equipment made available for
21 commercial or public use; or agricultural irrigation wheels,
22 sprinkler heads, and pipes.

23 (4) "Engage in business" means conducting more than 12
24 transactions in a 12-month period.

25 (5) "Nonferrous metal property" means metal property for which
26 the value of the metal property is derived from the property's
27 content of copper, brass, aluminum, bronze, lead, zinc, nickel, and
28 their alloys. "Nonferrous metal property" does not include precious
29 metals.

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

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

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

1 ~~(9))~~ "Record" means a paper, electronic, or other method of
2 storing information.

3 ~~((10))~~ (9) "Scrap metal business" means a scrap metal supplier,
4 scrap metal recycler, and scrap metal processor.

5 ~~((11))~~ (10) "Scrap metal processor" means a person with a
6 current business license that conducts business from a permanent
7 location, that is engaged in the business of purchasing or receiving
8 ~~((private metal property,))~~ nonferrous metal property~~((,))~~ and
9 commercial metal property for the purpose of altering the metal in
10 preparation for its use as feedstock in the manufacture of new
11 products, and that maintains a hydraulic bailer, shearing device, or
12 shredding device for recycling.

13 ~~((12))~~ (11) "Scrap metal recycler" means a person with a
14 current business license that is engaged in the business of
15 purchasing or receiving ~~((private metal property,))~~ nonferrous metal
16 property~~((,))~~ and commercial metal property for the purpose of
17 aggregation and sale to another scrap metal business and that
18 maintains a fixed place of business within the state.

19 ~~((13))~~ (12) "Scrap metal supplier" means a person with a
20 current business license that is engaged in the business of
21 purchasing or receiving ~~((private metal property or))~~ nonferrous
22 metal property for the purpose of aggregation and sale to a scrap
23 metal recycler or scrap metal processor and that does not maintain a
24 fixed business location in the state.

25 ~~((14))~~ (13) "Transaction" means a pledge, or the purchase of,
26 or the trade of any item of ~~((private metal property or))~~ nonferrous
27 metal property by a scrap metal business from a member of the general
28 public. "Transaction" does not include donations or the purchase or
29 receipt of ~~((private metal property or))~~ nonferrous metal property by
30 a scrap metal business from a commercial enterprise, from another
31 scrap metal business, or from a duly authorized employee or agent of
32 the commercial enterprise or scrap metal business.

33 **Sec. 4.** RCW 19.290.020 and 2022 c 221 s 3 are each amended to
34 read as follows:

35 (1) At the time of a transaction, every scrap metal business
36 doing business in this state shall produce wherever that business is
37 conducted an accurate and legible record of each transaction
38 involving ~~((private metal property or))~~ nonferrous metal property.
39 This record must be written in the English language, documented on a

1 standardized form or in electronic form, and contain the following
2 information:

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

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

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

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

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

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

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

19 (h) A description of the predominant types of (~~private metal~~
20 ~~property or~~) nonferrous metal property subject to the transaction,
21 utilizing the institute of scrap recycling industries' generally
22 accepted terminology, and including weight, quantity, or volume(~~+~~
23 ~~and~~

24 ~~(i) For every transaction specifically involving a catalytic~~
25 ~~converter that has been removed from a vehicle, documentation~~
26 ~~indicating that the private metal property in the seller's possession~~
27 ~~is the result of the seller replacing private metal property from a~~
28 ~~vehicle registered in the seller's name)).~~

29 (2) For every transaction that involves (~~private metal property~~
30 ~~or~~) nonferrous metal property, every scrap metal business doing
31 business in the state shall require the person with whom a
32 transaction is being made to sign a declaration. The declaration may
33 be included as part of the transactional record required under
34 subsection (1) of this section, or on a receipt for the transaction.
35 The declaration must state substantially the following:

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

39 The declaration must be signed and dated by the person with whom
40 the transaction is being made. An employee of the scrap metal

1 business must witness the signing and dating of the declaration and
2 sign the declaration accordingly before any transaction may be
3 consummated.

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

11 **Sec. 5.** RCW 19.290.030 and 2022 c 221 s 4 are each amended to
12 read as follows:

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

18 (2) No scrap metal business may purchase or receive (~~(private~~
19 ~~metal property or)~~) commercial metal property unless the seller: (a)
20 Has a commercial account with the scrap metal business; (b) can prove
21 ownership of the property by producing written documentation that the
22 seller is the owner of the property; or (c) can produce written
23 documentation that the seller is an employee or agent authorized to
24 sell the property on behalf of a commercial enterprise.

25 (3) No scrap metal business may enter into a transaction to
26 purchase or receive metallic wire that was burned in whole or in part
27 to remove insulation unless the seller can produce written proof to
28 the scrap metal business that the wire was lawfully burned.

29 (4)(a) No transaction involving (~~(private metal property or)~~)
30 nonferrous metal property may be made in cash or with any person who
31 does not provide a street address and photographic identification and
32 sign a declaration under the requirements of RCW 19.290.020 (~~((1)-(d)~~
33 ~~and (g))~~) except as described in (b) (~~(and (e))~~) of this subsection.
34 The person with whom the transaction is being made may only be paid
35 by a nontransferable check, mailed by the scrap metal business to a
36 street address provided under RCW 19.290.020, no earlier than three
37 days after the transaction was made. A transaction occurs on the date
38 provided in the record required under RCW 19.290.020.

1 (b) A scrap metal business that is in compliance with this
2 chapter may pay up to a maximum of \$30 in cash, stored value device,
3 or electronic funds transfer for nonferrous metal property. The
4 balance of the value of the transaction may be made by
5 nontransferable check, stored value device, or electronic funds
6 transfer at the time the transaction is made if the scrap metal
7 business digitally captures:

8 (i) A copy of one piece of current government-issued picture
9 identification, including a current driver's license or
10 identification card issued by any state; and

11 (ii) Either a picture or video of either the material subject to
12 the transaction in the form received or the material subject to the
13 transaction within the vehicle which the material was transported to
14 the scrap metal business.

15 ~~((c) Payment to individual sellers of private metal property as
16 defined in this chapter may not be made at the time of the
17 transaction and shall not be paid earlier than three business days
18 after the transaction was made. Records of payment for private metal
19 property as defined in this chapter must be kept in the same file or
20 record as all records collected under this subsection and retained
21 and be available for review for two years from the date of the
22 transaction.))~~

23 (5) (a) A scrap metal business's usage of video surveillance shall
24 be sufficient to comply with subsection (4) (b) (ii) of this section so
25 long as the video captures the material subject to the transaction.

26 (b) A digital image or picture taken under this section must be
27 available for two years from the date of transaction, while a video
28 recording must be available for 30 days.

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

31 **Sec. 6.** RCW 19.290.040 and 2013 c 322 s 7 are each amended to
32 read as follows:

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

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

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

3 (c) The full name of the person employed by the commercial
4 enterprise who is authorized to deliver (~~(private metal property)~~)
5 nonferrous metal property((~~r~~)) and commercial metal property to the
6 scrap metal business.

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

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

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

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

20 **Sec. 7.** RCW 19.290.050 and 2013 c 322 s 8 are each amended to
21 read as follows:

22 (1) (~~Upon~~) In addition to all other requirements of this
23 chapter, upon request by any commissioned law enforcement officer of
24 the state or any of its political subdivisions, every scrap metal
25 business shall furnish a full, true, and correct transcript of the
26 records from the purchase or receipt of (~~(private metal property)~~)
27 nonferrous metal property((~~r~~)) and commercial metal property
28 involving only a specified individual, vehicle, or item of (~~(private~~
29 ~~metal property)~~) nonferrous metal property((~~r~~)) or commercial metal
30 property. This information may be transmitted within a specified time
31 of not less than two business days to the applicable law enforcement
32 agency electronically, by facsimile transmission, or by modem or
33 similar device, or by delivery of computer disk subject to the
34 requirements of, and approval by, the chief of police or the county's
35 chief law enforcement officer.

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

38 (3) If the scrap metal business has good cause to believe that
39 any (~~(private metal property)~~) nonferrous metal property((~~r~~)) or

1 commercial metal property in (~~his or her~~) their possession has been
2 previously lost or stolen, the scrap metal business shall promptly
3 report that fact to the applicable commissioned law enforcement
4 officer of the state, the chief of police, or the county's chief law
5 enforcement officer, together with the name of the owner, if known,
6 and the date when and the name of the person from whom it was
7 received.

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

11 **Sec. 8.** RCW 19.290.060 and 2013 c 322 s 9 are each amended to
12 read as follows:

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

23 (2) A commissioned law enforcement officer of the state or any of
24 its political subdivisions shall not place on hold any item of
25 (~~private metal property,~~) nonferrous metal property(~~,~~) or
26 commercial metal property unless that law enforcement agency
27 reasonably suspects that the property is a lost or stolen item. Any
28 hold that is placed on the property must be removed within ten
29 business days after the property on hold is determined not to be
30 stolen or lost and the property must be returned to the owner or
31 released.

32 **Sec. 9.** RCW 19.290.080 and 2007 c 377 s 8 are each amended to
33 read as follows:

34 (1) Each violation of the requirements of this chapter that are
35 not subject to (~~the~~) criminal penalties (~~under RCW 19.290.070~~)
36 shall be a civil penalty punishable(~~, upon conviction,~~) by a fine
37 of not more than (~~one thousand dollars~~) \$1,000.

1 (2) Within two years (~~of being convicted~~) of a violation of any
2 of the requirements of this chapter that (~~are not subject to the~~
3 ~~criminal penalties under RCW 19.290.070~~) results in a civil penalty
4 under this section, each subsequent violation shall be punishable(~~(7~~
5 ~~upon conviction,)~~) by a fine of not more than (~~two thousand~~
6 ~~dollars~~) \$2,000.

7 **Sec. 10.** RCW 19.290.220 and 2013 c 322 s 25 are each amended to
8 read as follows:

9 (1) Law enforcement agencies may register with the scrap theft
10 alert system that is maintained and provided at no charge to users by
11 the institute of scrap recycling industries, incorporated, or its
12 successor organization, to receive alerts regarding thefts of
13 (~~private~~) nonferrous(~~(7)~~) or commercial metal property in the
14 relevant geographic area.

15 (2) Any business licensed under this chapter shall:

16 (a) Sign up with the scrap theft alert system that is maintained
17 and provided at no charge to users by the institute of scrap
18 recycling industries, incorporated, or its successor organization, to
19 receive alerts regarding thefts of (~~private~~) nonferrous(~~(7)~~) or
20 commercial metal property in the relevant geographic area;

21 (b) Download the scrap metal theft alerts generated by the scrap
22 theft alert system on a daily basis;

23 (c) Use the alerts to identify potentially stolen commercial
24 metal property(~~(7)~~) and nonferrous metal property(~~(7 and private~~
25 ~~metal property)~~); and

26 (d) Maintain for (~~ninety~~) 90 days copies of any theft alerts
27 received and downloaded pursuant to this section.

28 **Sec. 11.** RCW 19.290.240 and 2013 c 322 s 28 are each amended to
29 read as follows:

30 The provisions of this chapter shall be liberally construed to
31 the end that traffic in stolen (~~private~~) commercial metal property
32 (~~(7)~~) and nonferrous metal property may be prevented, and
33 irresponsible, unreliable, or dishonest persons may be prevented from
34 engaging in the business of processing, recycling, or supplying scrap
35 metal in this state and reliable persons may be encouraged to engage
36 in businesses of processing, recycling, or supplying scrap metal in
37 this state.

1 NEW SECTION. **Sec. 12.** A new section is added to chapter 46.70

2 RCW to read as follows:

3 (1) A vehicle dealer shall, prior to the sale and transfer of a
4 vehicle, offer the purchaser the option to have the dealer clearly
5 and permanently mark the last eight digits of the originating
6 vehicle's vehicle identification number on the vehicle's catalytic
7 converter unless such marking already exists on the catalytic
8 converter, the catalytic converter is not in a location where it is
9 clearly visible and readily accessible to mark without the need to
10 remove parts from the vehicle, or the vehicle is sold at wholesale. A
11 clear and permanent mark applied by permanent marker is sufficient.
12 The vehicle dealer may add a fee to the sale price for the marking if
13 separately delineated and clearly marked.

14 (2) If a consumer elects not to have the vehicle dealer mark the
15 vehicle's catalytic converter as provided in subsection (1) of this
16 section, the vehicle dealer must provide the consumer a disclosure
17 written in a typeface that is at least as large as the typeface used
18 in the standard text of the document that contains the disclosure and
19 that is boldfaced, capitalized, underlined, or otherwise set out from
20 the surrounding material so as to be conspicuous that (a) the
21 purchaser is knowingly purchasing the vehicle without clearly and
22 permanently marking the catalytic converter prior to the sale and
23 transfer of the vehicle; and (b) the purchaser acknowledges and
24 understands that catalytic converters must be marked as provided in
25 section 23 of this act.

26 **Sec. 13.** RCW 46.79.010 and 2001 c 64 s 10 are each amended to
27 read as follows:

28 The definitions set forth in this section apply throughout this
29 chapter unless the context indicates otherwise.

30 (1) "Junk vehicle" means a motor vehicle certified under RCW
31 46.55.230 as meeting all the following requirements:

32 (a) Is three years old or older;

33 (b) Is extensively damaged, such damage including but not limited
34 to any of the following: A broken window or windshield or missing
35 wheels, tires, motor, or transmission;

36 (c) Is apparently inoperable;

37 (d) Is without a valid, current registration plate;

38 (e) Has a fair market value equal only to the value of the scrap
39 in it.

1 (2) "Scrap processor" means a licensed establishment that
2 maintains a hydraulic baler and shears, or a shredder for recycling
3 salvage.

4 (3) "Demolish" means to destroy completely by use of a hydraulic
5 baler and shears, or a shredder.

6 (4) "Hulk hauler" means any person who deals in vehicles for the
7 sole purpose of transporting and/or selling them to a licensed
8 vehicle wrecker or scrap processor in substantially the same form in
9 which they are obtained. A hulk hauler may not sell secondhand motor
10 vehicle parts to anyone other than a licensed vehicle wrecker or
11 scrap processor, except for those parts specifically enumerated in
12 RCW 46.79.020(2), as now or hereafter amended, which may be sold to a
13 licensed vehicle wrecker or disposed of at a public facility for
14 waste disposal.

15 (5) "Director" means the director of licensing.

16 (6) "Major component parts" include engines and short blocks,
17 frames, transmissions or transfer cases, cabs, doors, front or rear
18 differentials, front or rear clips, quarter panels or fenders,
19 bumpers, truck beds or boxes, seats, ~~((and))~~ hoods, and catalytic
20 converters.

21 NEW SECTION. **Sec. 14.** A new section is added to chapter 46.79
22 RCW to read as follows:

23 (1) No person may engage in the business of disassembling or de-
24 canning a catalytic converter for removal or processing of the
25 internal core to extract platinum, palladium, rhodium, or other
26 metals, unless the person is a licensed scrap processor under this
27 chapter.

28 (2) Any licensed scrap processor engaged in disassembling or de-
29 canning catalytic converters as described in this section shall
30 maintain the records of every catalytic converter the scrap processor
31 disassembles or de-cans in accordance with the recordkeeping
32 requirements of this chapter and other provisions of the law.

33 (3) Any licensed scrap processor engaged in disassembling or de-
34 canning catalytic converters as described in this section shall
35 implement a 30-day waiting period between the purchase and
36 disassembly or de-canning of a catalytic converter, unless the scrap
37 processor is also the registered owner of the originating vehicle.

1 NEW SECTION. **Sec. 15.** A new section is added to chapter 46.79

2 RCW to read as follows:

3 (1) Payment to individual sellers of catalytic converters that
4 have been removed from a vehicle may not be made at the time of the
5 transaction and shall not be paid earlier than three business days
6 after the transaction was made.

7 (2) No transaction involving catalytic converters that have been
8 removed from a vehicle may be made in cash or with any person who
9 does not provide a street address and photographic identification.
10 The person with whom the transaction is being made may only be paid
11 by a nontransferable check, mailed by the licensed scrap processor to
12 the street address recorded according to this section, no earlier
13 than three days after the transaction was made. A transaction occurs
14 on the date provided in the record required under this section.

15 (3) A record of each purchase of catalytic converters that have
16 been removed from a vehicle must be kept for three years following
17 the date of the transaction and be open to inspection by any
18 commissioned law enforcement officer of the state or any of its
19 political subdivisions at all times during the ordinary hours of
20 business, or at reasonable times if ordinary hours of business are
21 not kept. The record shall include, at a minimum, the following
22 elements:

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

24 (b) The name of the employee representing the scrap processor in
25 the transaction;

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

28 (d) The license plate number and state of issuance of the license
29 plate on the motor vehicle used to deliver the catalytic converter or
30 converters subject to the transaction;

31 (e) A description of the motor vehicle used to deliver the
32 catalytic converter or converters subject to the transaction;

33 (f) A copy of the seller's current driver's license or other
34 government-issued picture identification card;

35 (g) The vehicle identification number of the vehicle from which
36 the catalytic converter was removed;

37 (h) A declaration signed by the seller that states substantially
38 the following:

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

1 knowledge stolen property and the information provided by me is
2 accurate."; and

3 (i) A photo of the catalytic converter that includes the vehicle
4 identification number marking required under section 23 of this act.

5 (4) This section does not apply to the purchase of material from
6 a licensed business that manufactures catalytic converters in the
7 ordinary course of its legal business.

8 NEW SECTION. **Sec. 16.** A new section is added to chapter 46.79
9 RCW to read as follows:

10 The license fees required under RCW 46.79.040 and 46.79.050 for a
11 scrap processor's license must also include a \$500 catalytic
12 converter inspection fee, to be deposited in the state patrol highway
13 account, in order to support the activities of the Washington state
14 patrol under section 21 of this act.

15 **Sec. 17.** RCW 46.80.010 and 2010 c 161 s 1138 and 2010 c 8 s 9097
16 are each reenacted and amended to read as follows:

17 The definitions set forth in this section apply throughout this
18 chapter.

19 (1) "Core" means a major component part received by a vehicle
20 wrecker in exchange for a like part sold by the vehicle wrecker, is
21 not resold as a major component part except for scrap metal value or
22 for remanufacture, and the vehicle wrecker maintains records for
23 three years from the date of acquisition to identify the name of the
24 person from whom the core was received.

25 (2) "Established place of business" means a building or enclosure
26 which the vehicle wrecker occupies either continuously or at regular
27 periods and where his or her books and records are kept and business
28 is transacted and which must conform with zoning regulations.

29 (3) "Interim owner" means the owner of a vehicle who has the
30 original certificate of title for the vehicle, which certificate has
31 been released by the person named on the certificate and assigned to
32 the person offering to sell the vehicle to the wrecker.

33 (4) "Major component part" includes at least each of the
34 following vehicle parts: (a) Engines and short blocks; (b) frame; (c)
35 transmission and/or transfer case; (d) cab; (e) door; (f) front or
36 rear differential; (g) front or rear clip; (h) quarter panel; (i)
37 truck bed or box; (j) seat; (k) hood; (l) bumper; (m) fender; (~~and~~)

1 (n) airbag; and (o) catalytic converter. The director may supplement
2 this list by rule.

3 (5) "Vehicle wrecker" means every person, firm, partnership,
4 association, or corporation engaged in the business of buying,
5 selling, or dealing in vehicles of a type required to be registered
6 under the laws of this state, for the purpose of wrecking,
7 dismantling, disassembling, or substantially changing the form of a
8 vehicle, or who buys or sells integral secondhand parts of component
9 material thereof, in whole or in part, or who deals in secondhand
10 vehicle parts.

11 (6) "Wrecked vehicle" means a vehicle which is disassembled or
12 dismantled or a vehicle which is acquired with the intent to
13 dismantle or disassemble and never again to operate as a vehicle, or
14 a vehicle which has sustained such damage that its cost to repair
15 exceeds the fair market value of a like vehicle which has not
16 sustained such damage, or a damaged vehicle whose salvage value plus
17 cost to repair equals or exceeds its fair market value, if repaired,
18 or a vehicle which has sustained such damage or deterioration that it
19 may not lawfully operate upon the highways of this state for which
20 the salvage value plus cost to repair exceeds its fair market value,
21 if repaired; further, it is presumed that a vehicle is a wreck if it
22 has sustained such damage or deterioration that it may not lawfully
23 operate upon the highways of this state.

24 **Sec. 18.** RCW 46.80.080 and 2022 c 221 s 7 are each amended to
25 read as follows:

26 (1) Every vehicle wrecker shall maintain books or files in which
27 the wrecker shall keep a record and a description of:

28 (a) Every vehicle wrecked, dismantled, disassembled, or
29 substantially altered by the wrecker; and

30 (b) Every major component part, including catalytic converters,
31 acquired by the wrecker; together with a bill of sale signed by a
32 seller whose identity has been verified and the name and address of
33 the person, firm, or corporation from whom the wrecker purchased the
34 vehicle or part. Major component parts other than cores shall be
35 further identified by the vehicle identification number of the
36 vehicle from which the part came.

37 (2) The record shall also contain the following data regarding
38 the wrecked or acquired vehicle or vehicle that is the source of a

1 major component part, including catalytic converters, other than a
2 core:

3 (a) The certificate of title number (if previously titled in this
4 or any other state);

5 (b) Name of state where last registered;

6 (c) Number of the last license number plate issued;

7 (d) Name of vehicle;

8 (e) Motor or identification number and serial number of the
9 vehicle;

10 (f) Date purchased;

11 (g) Disposition of the motor and chassis;

12 (h) Yard number assigned by the licensee to the vehicle or major
13 component part, which shall also appear on the identified vehicle or
14 part; and

15 (i) Such other information as the department may require.

16 (3) The records shall also contain a bill of sale signed by the
17 seller for other minor component parts, including catalytic
18 converters, acquired by the licensee, identifying the seller by name,
19 address, and date of sale.

20 (4) In addition to all other requirements of this chapter, the
21 records of each transaction involving the purchase of catalytic
22 converters that have been removed from a vehicle shall also include,
23 at a minimum, the following elements:

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

25 (b) The name of the employee representing the vehicle wrecker in
26 the transaction;

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

29 (d) The license plate number and state of issuance of the license
30 plate on the motor vehicle used to deliver the catalytic converter or
31 converters subject to the transaction;

32 (e) A description of the motor vehicle used to deliver the
33 catalytic converter or converters subject to the transaction;

34 (f) A copy of the seller's current driver's license or other
35 government-issued picture identification card;

36 (g) The vehicle identification number of the vehicle from which
37 the catalytic converter was removed;

38 (h) A declaration signed by the seller that states substantially
39 the following:

1 "I, the undersigned, affirm under penalty of law that the
2 property that is subject to this transaction is not to the best of my
3 knowledge stolen property and the information provided by me is
4 accurate."; and

5 (i) A photo of the catalytic converter that includes the vehicle
6 identification number marking required under section 23 of this act.

7 (5) The records shall be maintained by the licensee at his or her
8 established place of business for a period of three years from the
9 date of acquisition.

10 ~~((+5))~~ (6) The record is subject to inspection at all times
11 during regular business hours by members of the police department,
12 sheriff's office, members of the Washington state patrol, or officers
13 or employees of the department.

14 ~~((+6))~~ (7) A vehicle wrecker shall also maintain a similar
15 record of all disabled vehicles that have been towed or transported
16 to the vehicle wrecker's place of business or to other places
17 designated by the owner of the vehicle or his or her representative.
18 This record shall specify the name and description of the vehicle,
19 name of owner, number of license plate, condition of the vehicle and
20 place to which it was towed or transported.

21 ~~((+7))~~ (8) Failure to comply with this section is a gross
22 misdemeanor.

23 **Sec. 19.** RCW 46.80.210 and 2022 c 221 s 6 are each amended to
24 read as follows:

25 (1) Payment to individual sellers of ~~((private metal property as~~
26 ~~defined in RCW 19.290.010))~~ catalytic converters that have been
27 removed from a vehicle may not be made at the time of the transaction
28 and shall not be paid earlier than three business days after the
29 transaction was made.

30 (2) No transaction involving catalytic converters that have been
31 removed from a vehicle may be made in cash or with any person who
32 does not provide a street address and photographic identification.
33 The person with whom the transaction is being made may only be paid
34 by a nontransferable check, mailed by the licensed auto wrecker to a
35 street address recorded according to RCW 46.80.080, no earlier than
36 three days after the transaction was made. A transaction occurs on
37 the date provided in the record required under RCW 46.80.080.

1 (3) This section does not apply to the purchase of material from
2 a licensed business that manufactures catalytic converters in the
3 ordinary course of its legal business.

4 NEW SECTION. **Sec. 20.** A new section is added to chapter 46.80
5 RCW to read as follows:

6 The license fees required under RCW 46.80.040 and 46.80.050 must
7 also include a \$500 catalytic converter inspection fee, to be
8 deposited in the state patrol highway account, in order to support
9 the activities of the Washington state patrol under section 21 of
10 this act.

11 NEW SECTION. **Sec. 21.** A new section is added to chapter 43.43
12 RCW to read as follows:

13 Subject to the availability of amounts appropriated for this
14 specific purpose, the Washington state patrol shall:

15 (1) Conduct periodic inspections at least once a year of all
16 licensed purchasers of catalytic converters that have been removed
17 from vehicles that are licensed under chapter 46.79 or 46.80 RCW;

18 (2) Develop a standardized inspection form and train local law
19 enforcement agencies, civilian employees, and limited authority law
20 enforcement personnel on inspection procedures of licensed
21 purchasers;

22 (3) Specify which specific law enforcement agencies have a duty
23 to inspect the different business types that are licensed to purchase
24 catalytic converters; and

25 (4) Authorize inspections to be conducted by civilian employees
26 or limited authority law enforcement agencies if necessary to
27 increase the availability of potential inspectors, provided that the
28 Washington state patrol shall retain oversight of such inspections.

29 **Sec. 22.** RCW 46.12.560 and 2011 c 114 s 7 are each amended to
30 read as follows:

31 (1)(a) Before accepting an application for a certificate of
32 title, the department, county auditor or other agent, or subagent
33 appointed by the director shall require an applicant to provide a
34 certificate of vehicle inspection completed by the Washington state
35 patrol or other authorized inspector if the vehicle:

36 (i) Was declared a total loss or salvage vehicle under the laws
37 of this state;

1 (ii) Has been rebuilt after the certificate of title was returned
2 to the department under RCW 46.12.600 and the vehicle was not kept by
3 the registered owner at the time of the vehicle's destruction or
4 declaration as a total loss; or

5 (iii) Is presented with documents from another state showing that
6 the vehicle was a total loss or salvage vehicle and has not been
7 reissued a valid registration certificate from that state after the
8 declaration of total loss or salvage.

9 (b) A vehicle presented for inspection must have all damaged
10 major component parts replaced or repaired to meet all requirements
11 in law and rule before the Washington state patrol will inspect the
12 vehicle. The inspection must verify that the vehicle identification
13 number is genuine and agrees with the number shown on the certificate
14 of title and registration certificate.

15 (c) A Washington state patrol vehicle identification number
16 specialist must ensure that all major component parts used for the
17 reconstruction of a salvage or rebuilt vehicle were obtained legally,
18 and must securely attach a marking at the driver's door latch pillar
19 indicating the vehicle was previously destroyed or declared a total
20 loss. It is a class C felony for a person to remove the marking
21 indicating that the vehicle was previously destroyed or declared a
22 total loss.

23 (2) A person presenting a vehicle for inspection under subsection
24 (1) of this section must provide original invoices for new and used
25 parts from:

26 (a) A vendor that is registered with the department of revenue or
27 a comparable agency in the jurisdiction where the major component
28 parts were purchased for the collection of retail sales or use taxes.
29 The invoices must include:

30 (i) The name and address of the business;

31 (ii) A description of the part or parts sold;

32 (iii) The date of sale; and

33 (iv) The amount of sale to include all taxes paid unless exempted
34 by the department of revenue or a comparable agency in the
35 jurisdiction where the major component parts were purchased;

36 (b) A vehicle wrecker licensed under chapter 46.80 RCW or a
37 comparable business in the jurisdiction outside Washington state
38 where the major component part was purchased; and

39 (c) Private individuals. The private individual must have the
40 certificate of title to the vehicle where the parts were taken from

1 unless the parts were obtained from a parts car owned by a collector.
2 Bills of sale for parts must be notarized and include:

3 (i) The names and addresses of the sellers and purchasers;

4 (ii) A description of the vehicle and the part or parts being
5 sold, including the make, model, year, and identification or serial
6 number;

7 (iii) The date of sale; and

8 (iv) The purchase price of the vehicle part or parts.

9 (3) A person presenting a vehicle for inspection under this
10 section who is unable to provide an acceptable release of interest or
11 proof of ownership for a vehicle or major component part as described
12 in this section shall apply for an ownership in doubt application
13 described in RCW 46.12.680.

14 (4)(a) Before accepting an application for a certificate of
15 title, the department, county auditor or other agent, or subagent
16 appointed by the director shall require an applicant to provide a
17 certificate of vehicle inspection completed by the Washington state
18 patrol or other authorized inspector when the application is for a
19 vehicle being titled for the first time as:

20 (i) Assembled;

21 (ii) Glider kit;

22 (iii) Homemade;

23 (iv) Kit vehicle;

24 (v) Street rod vehicle;

25 (vi) Custom vehicle; or

26 (vii) Subject to ownership in doubt under RCW 46.12.680.

27 (b) The inspection must verify that the vehicle identification
28 number is genuine and agrees with the number shown on the certificate
29 of title and registration certificate.

30 (5)(a) Before accepting an application for a certificate of
31 title, the department, county auditor or other agent, or subagent
32 appointed by the director shall require an applicant to provide a
33 certificate of vehicle inspection completed by the Washington state
34 patrol when the application is for a vehicle with a vehicle
35 identification number that has been:

36 (i) Altered;

37 (ii) Defaced;

38 (iii) Obliterated;

39 (iv) Omitted;

40 (v) Removed; or

1 (vi) Otherwise absent.

2 (b) The application must include payment of the fee required in
3 RCW 46.17.135.

4 (c) The Washington state patrol shall assign a new vehicle
5 identification number to the vehicle and place or stamp the new
6 number in a conspicuous position on the vehicle.

7 (d) The department shall use the new vehicle identification
8 number assigned by the Washington state patrol as the official
9 vehicle identification number assigned to the vehicle.

10 (6) The department may adopt rules as necessary to implement this
11 section.

12 (7) Nothing in this section creates a requirement for the
13 Washington state patrol to inspect attached catalytic converters as
14 major component parts.

15 NEW SECTION. Sec. 23. A new section is added to chapter 9A.82
16 RCW to read as follows:

17 (1) Any person who removes a catalytic converter from a vehicle
18 for a purpose other than maintenance, repair, or demolition, or who
19 knowingly possesses an unmarked detached catalytic converter, must
20 permanently mark the detached catalytic converter with the last eight
21 digits of the originating vehicle's vehicle identification number
22 such that at least a portion of the marking is visible from any side.
23 The marking must be completed in a reasonable time after removal, but
24 no later than 24 hours after removal, and before off-site transport
25 of the detached catalytic converter.

26 (2) Detached catalytic converters that are not marked as required
27 by this section are subject to immediate seizure and forfeiture by
28 law enforcement.

29 (3)(a) Except as provided in (b) of this subsection, it is a
30 gross misdemeanor for any person to intentionally remove, alter or
31 obliterate from a detached catalytic converter the last eight digits
32 of the originating vehicle identification number, as required by
33 subsection (1) of this section.

34 (b) A person who intentionally removes, alters, or obliterates
35 from a detached catalytic converter the last eight digits of the
36 original vehicle identification number is guilty of a class C felony
37 punishable according to chapter 9A.20 RCW if the person has
38 previously been convicted under this subsection.

1 (4) It is a gross misdemeanor for any person who is not a scrap
2 processor licensed under chapter 46.79 RCW or vehicle wrecker
3 licensed under chapter 46.80 RCW to knowingly possess, sell, or offer
4 for sale six or fewer detached catalytic converters that do not
5 comply with the marking requirements under subsection (1) of this
6 section.

7 (5) It is a class C felony for any person who is not a scrap
8 processor licensed under chapter 46.79 RCW or vehicle wrecker
9 licensed under chapter 46.80 RCW to knowingly possess, sell, or offer
10 for sale seven or more detached catalytic converters that do not
11 comply with the marking requirements under subsection (1) of this
12 section.

13 (6) Where a case is legally sufficient to charge an alleged
14 juvenile offender with a violation under this section, and that
15 violation would be the alleged offender's first violation involving
16 detached catalytic converters, the prosecutor is encouraged to divert
17 the case pursuant to RCW 13.40.070.

18 (7) It is an affirmative defense to this section that the
19 possessor removed the detached catalytic converter with the
20 permission of the registered owner of the vehicle or vehicles.

21 NEW SECTION. **Sec. 24.** A new section is added to chapter 9A.82
22 RCW to read as follows:

23 (1) A person is guilty of trafficking in catalytic converters in
24 the first degree if the person knowingly:

25 (a) Traffics seven or more catalytic converters that have been
26 removed from a motor vehicle, without fulfilling the requirements
27 under chapter 46.79 or 46.80 RCW for lawful transfer; or

28 (b) Purchases a catalytic converter that has been removed from a
29 motor vehicle, without possessing a valid scrap processor license
30 under chapter 46.79 RCW or vehicle wrecker license under chapter
31 46.80 RCW.

32 (2) Trafficking in catalytic converters in the first degree is a
33 class C felony.

34 NEW SECTION. **Sec. 25.** A new section is added to chapter 9.94A
35 RCW to read as follows:

36 The court shall make a finding of fact of the special allegation
37 or, if a jury is had, the jury shall, if it finds the defendant

1 guilty, also find a special verdict as to the special allegation, in
2 a criminal case where:

3 (1) The defendant has been convicted of trafficking in catalytic
4 converters in the first degree; and

5 (2) There has been a special allegation pleaded and proven beyond
6 a reasonable doubt that the defendant knowingly (a) trafficked seven
7 or more catalytic converters that were removed from a motor vehicle
8 without fulfilling the requirements under chapter 46.79 or 46.80 RCW
9 for lawful transfer; or (b) purchased a catalytic converter that has
10 been removed from a motor vehicle without possessing a valid scrap
11 processor license under chapter 46.79 RCW or vehicle wrecker license
12 under chapter 46.80 RCW, for the purpose of selling, transferring, or
13 exchanging them online.

14 NEW SECTION. **Sec. 26.** A new section is added to chapter 9A.82
15 RCW to read as follows:

16 (1) A person is guilty of trafficking in catalytic converters in
17 the second degree if the person knowingly traffics six or fewer
18 catalytic converters that have been removed from a motor vehicle,
19 without fulfilling the requirements under chapter 46.79 or 46.80 RCW
20 for lawful transfer.

21 (2) Trafficking in catalytic converters in the second degree is a
22 class C felony.

23 **Sec. 27.** RCW 9A.82.010 and 2013 c 302 s 10 are each amended to
24 read as follows:

25 Unless the context requires the contrary, the definitions in this
26 section apply throughout this chapter.

27 (1)(a) "Beneficial interest" means:

28 (i) The interest of a person as a beneficiary under a trust
29 established under Title 11 RCW in which the trustee for the trust
30 holds legal or record title to real property;

31 (ii) The interest of a person as a beneficiary under any other
32 trust arrangement under which a trustee holds legal or record title
33 to real property for the benefit of the beneficiary; or

34 (iii) The interest of a person under any other form of express
35 fiduciary arrangement under which one person holds legal or record
36 title to real property for the benefit of the other person.

1 (b) "Beneficial interest" does not include the interest of a
2 stockholder in a corporation or the interest of a partner in a
3 general partnership or limited partnership.

4 (c) A beneficial interest is considered to be located where the
5 real property owned by the trustee is located.

6 (2) "Control" means the possession of a sufficient interest to
7 permit substantial direction over the affairs of an enterprise.

8 (3) "Creditor" means a person making an extension of credit or a
9 person claiming by, under, or through a person making an extension of
10 credit.

11 (4) "Criminal profiteering" means any act, including any
12 anticipatory or completed offense, committed for financial gain, that
13 is chargeable or indictable under the laws of the state in which the
14 act occurred and, if the act occurred in a state other than this
15 state, would be chargeable or indictable under the laws of this state
16 had the act occurred in this state and punishable as a felony and by
17 imprisonment for more than one year, regardless of whether the act is
18 charged or indicted, as any of the following:

19 (a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;

20 (b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;

21 (c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;

22 (d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;

23 (e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060,
24 9A.56.080, and 9A.56.083;

25 (f) Unlawful sale of subscription television services, as defined
26 in RCW 9A.56.230;

27 (g) Theft of telecommunication services or unlawful manufacture
28 of a telecommunication device, as defined in RCW 9A.56.262 and
29 9A.56.264;

30 (h) Child selling or child buying, as defined in RCW 9A.64.030;

31 (i) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040,
32 and 9A.68.050;

33 (j) Gambling, as defined in RCW 9.46.220 and 9.46.215 and
34 9.46.217;

35 (k) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;

36 (l) Unlawful production of payment instruments, unlawful
37 possession of payment instruments, unlawful possession of a personal
38 identification device, unlawful possession of fictitious
39 identification, or unlawful possession of instruments of financial
40 fraud, as defined in RCW 9A.56.320;

- 1 (m) Extortionate extension of credit, as defined in RCW
2 9A.82.020;
- 3 (n) Advancing money for use in an extortionate extension of
4 credit, as defined in RCW 9A.82.030;
- 5 (o) Collection of an extortionate extension of credit, as defined
6 in RCW 9A.82.040;
- 7 (p) Collection of an unlawful debt, as defined in RCW 9A.82.045;
- 8 (q) Delivery or manufacture of controlled substances or
9 possession with intent to deliver or manufacture controlled
10 substances under chapter 69.50 RCW;
- 11 (r) Trafficking in stolen property, as defined in RCW 9A.82.050;
- 12 (s) Leading organized crime, as defined in RCW 9A.82.060;
- 13 (t) Money laundering, as defined in RCW 9A.83.020;
- 14 (u) Obstructing criminal investigations or prosecutions in
15 violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120,
16 9A.72.130, 9A.76.070, or 9A.76.180;
- 17 (v) Fraud in the purchase or sale of securities, as defined in
18 RCW 21.20.010;
- 19 (w) Promoting pornography, as defined in RCW 9.68.140;
- 20 (x) Sexual exploitation of children, as defined in RCW 9.68A.040,
21 9.68A.050, and 9.68A.060;
- 22 (y) Promoting prostitution, as defined in RCW 9A.88.070 and
23 9A.88.080;
- 24 (z) Arson, as defined in RCW 9A.48.020 and 9A.48.030;
- 25 (aa) Assault, as defined in RCW 9A.36.011 and 9A.36.021;
- 26 (bb) Assault of a child, as defined in RCW 9A.36.120 and
27 9A.36.130;
- 28 (cc) A pattern of equity skimming, as defined in RCW 61.34.020;
- 29 (dd) Commercial telephone solicitation in violation of RCW
30 19.158.040(1);
- 31 (ee) Trafficking in insurance claims, as defined in RCW
32 48.30A.015;
- 33 (ff) Unlawful practice of law, as defined in RCW 2.48.180;
- 34 (gg) Commercial bribery, as defined in RCW 9A.68.060;
- 35 (hh) Health care false claims, as defined in RCW 48.80.030;
- 36 (ii) Unlicensed practice of a profession or business, as defined
37 in RCW 18.130.190(7);
- 38 (jj) Improperly obtaining financial information, as defined in
39 RCW 9.35.010;
- 40 (kk) Identity theft, as defined in RCW 9.35.020;

1 (ll) Unlawful shipment of cigarettes in violation of RCW
2 70.155.105(6) (a) or (b);
3 (mm) Unlawful shipment of cigarettes in violation of RCW
4 82.24.110(2);
5 (nn) Unauthorized sale or procurement of telephone records in
6 violation of RCW 9.26A.140;
7 (oo) Theft with the intent to resell, as defined in RCW
8 9A.56.340;
9 (pp) Organized retail theft, as defined in RCW 9A.56.350;
10 (qq) Mortgage fraud, as defined in RCW 19.144.080;
11 (rr) Commercial sexual abuse of a minor, as defined in RCW
12 9.68A.100;
13 (ss) Promoting commercial sexual abuse of a minor, as defined in
14 RCW 9.68A.101; ((~~tt~~))
15 (tt) Trafficking, as defined in RCW 9A.40.100, promoting travel
16 for commercial sexual abuse of a minor, as defined in RCW 9.68A.102,
17 and permitting commercial sexual abuse of a minor, as defined in RCW
18 9.68A.103; or
19 (uu) Trafficking in catalytic converters, as defined in sections
20 24 and 26 of this act.

21 (5) "Dealer in property" means a person who buys and sells
22 property as a business.

23 (6) "Debtor" means a person to whom an extension of credit is
24 made or a person who guarantees the repayment of an extension of
25 credit or in any manner undertakes to indemnify the creditor against
26 loss resulting from the failure of a person to whom an extension is
27 made to repay the same.

28 (7) "Documentary material" means any book, paper, document,
29 writing, drawing, graph, chart, photograph, phonograph record,
30 magnetic tape, computer printout, other data compilation from which
31 information can be obtained or from which information can be
32 translated into usable form, or other tangible item.

33 (8) "Enterprise" includes any individual, sole proprietorship,
34 partnership, corporation, business trust, or other profit or
35 nonprofit legal entity, and includes any union, association, or group
36 of individuals associated in fact although not a legal entity, and
37 both illicit and licit enterprises and governmental and
38 nongovernmental entities.

39 (9) "Extortionate extension of credit" means an extension of
40 credit with respect to which it is the understanding of the creditor

1 and the debtor at the time the extension is made that delay in making
2 repayment or failure to make repayment could result in the use of
3 violence or other criminal means to cause harm to the person,
4 reputation, or property of any person.

5 (10) "Extortionate means" means the use, or an express or
6 implicit threat of use, of violence or other criminal means to cause
7 harm to the person, reputation, or property of any person.

8 (11) "Financial institution" means any bank, trust company,
9 savings and loan association, savings bank, mutual savings bank,
10 credit union, or loan company under the jurisdiction of the state or
11 an agency of the United States.

12 (12) "Pattern of criminal profiteering activity" means engaging
13 in at least three acts of criminal profiteering, one of which
14 occurred after July 1, 1985, and the last of which occurred within
15 five years, excluding any period of imprisonment, after the
16 commission of the earliest act of criminal profiteering. In order to
17 constitute a pattern, the three acts must have the same or similar
18 intent, results, accomplices, principals, victims, or methods of
19 commission, or be otherwise interrelated by distinguishing
20 characteristics including a nexus to the same enterprise, and must
21 not be isolated events. However, in any civil proceedings brought
22 pursuant to RCW 9A.82.100 by any person other than the attorney
23 general or county prosecuting attorney in which one or more acts of
24 fraud in the purchase or sale of securities are asserted as acts of
25 criminal profiteering activity, it is a condition to civil liability
26 under RCW 9A.82.100 that the defendant has been convicted in a
27 criminal proceeding of fraud in the purchase or sale of securities
28 under RCW 21.20.400 or under the laws of another state or of the
29 United States requiring the same elements of proof, but such
30 conviction need not relate to any act or acts asserted as acts of
31 criminal profiteering activity in such civil action under RCW
32 9A.82.100.

33 (13) "Real property" means any real property or interest in real
34 property, including but not limited to a land sale contract, lease,
35 or mortgage of real property.

36 (14) "Records" means any book, paper, writing, record, computer
37 program, or other material.

38 (15) "Repayment of an extension of credit" means the repayment,
39 satisfaction, or discharge in whole or in part of a debt or claim,

1 acknowledged or disputed, valid or invalid, resulting from or in
2 connection with that extension of credit.

3 (16) "Stolen property" means property that has been obtained by
4 theft, robbery, or extortion.

5 (17) "To collect an extension of credit" means to induce in any
6 way a person to make repayment thereof.

7 (18) "To extend credit" means to make or renew a loan or to enter
8 into an agreement, tacit or express, whereby the repayment or
9 satisfaction of a debt or claim, whether acknowledged or disputed,
10 valid or invalid, and however arising, may or shall be deferred.

11 (19) "Traffic" means to sell, transfer, distribute, dispense, or
12 otherwise dispose of stolen property to another person, or to buy,
13 receive, possess, or obtain control of stolen property, with intent
14 to sell, transfer, distribute, dispense, or otherwise dispose of the
15 property to another person.

16 (20)(a) "Trustee" means:

17 (i) A person acting as a trustee under a trust established under
18 Title 11 RCW in which the trustee holds legal or record title to real
19 property;

20 (ii) A person who holds legal or record title to real property in
21 which another person has a beneficial interest; or

22 (iii) A successor trustee to a person who is a trustee under
23 (a)(i) or (ii) of this subsection.

24 (b) "Trustee" does not mean a person appointed or acting as:

25 (i) A personal representative under Title 11 RCW;

26 (ii) A trustee of any testamentary trust;

27 (iii) A trustee of any indenture of trust under which a bond is
28 issued; or

29 (iv) A trustee under a deed of trust.

30 (21) "Unlawful debt" means any money or other thing of value
31 constituting principal or interest of a debt that is legally
32 unenforceable in the state in full or in part because the debt was
33 incurred or contracted:

34 (a) In violation of any one of the following:

35 (i) Chapter 67.16 RCW relating to horse racing;

36 (ii) Chapter 9.46 RCW relating to gambling;

37 (b) In a gambling activity in violation of federal law; or

38 (c) In connection with the business of lending money or a thing
39 of value at a rate that is at least twice the permitted rate under
40 the applicable state or federal law relating to usury.

1 **Sec. 28.** RCW 9.94A.533 and 2020 c 330 s 1 and 2020 c 141 s 1 are
2 each reenacted and amended to read as follows:

3 (1) The provisions of this section apply to the standard sentence
4 ranges determined by RCW 9.94A.510 or 9.94A.517.

5 (2) For persons convicted of the anticipatory offenses of
6 criminal attempt, solicitation, or conspiracy under chapter 9A.28
7 RCW, the standard sentence range is determined by locating the
8 sentencing grid sentence range defined by the appropriate offender
9 score and the seriousness level of the completed crime, and
10 multiplying the range by seventy-five percent.

11 (3) The following additional times shall be added to the standard
12 sentence range for felony crimes committed after July 23, 1995, if
13 the offender or an accomplice was armed with a firearm as defined in
14 RCW 9.41.010 and the offender is being sentenced for one of the
15 crimes listed in this subsection as eligible for any firearm
16 enhancements based on the classification of the completed felony
17 crime. If the offender is being sentenced for more than one offense,
18 the firearm enhancement or enhancements must be added to the total
19 period of confinement for all offenses, regardless of which
20 underlying offense is subject to a firearm enhancement. If the
21 offender or an accomplice was armed with a firearm as defined in RCW
22 9.41.010 and the offender is being sentenced for an anticipatory
23 offense under chapter 9A.28 RCW to commit one of the crimes listed in
24 this subsection as eligible for any firearm enhancements, the
25 following additional times shall be added to the standard sentence
26 range determined under subsection (2) of this section based on the
27 felony crime of conviction as classified under RCW 9A.28.020:

28 (a) Five years for any felony defined under any law as a class A
29 felony or with a statutory maximum sentence of at least twenty years,
30 or both, and not covered under (f) of this subsection;

31 (b) Three years for any felony defined under any law as a class B
32 felony or with a statutory maximum sentence of ten years, or both,
33 and not covered under (f) of this subsection;

34 (c) Eighteen months for any felony defined under any law as a
35 class C felony or with a statutory maximum sentence of five years, or
36 both, and not covered under (f) of this subsection;

37 (d) If the offender is being sentenced for any firearm
38 enhancements under (a), (b), and/or (c) of this subsection and the
39 offender has previously been sentenced for any deadly weapon
40 enhancements after July 23, 1995, under (a), (b), and/or (c) of this

1 subsection or subsection (4)(a), (b), and/or (c) of this section, or
2 both, all firearm enhancements under this subsection shall be twice
3 the amount of the enhancement listed;

4 (e) Notwithstanding any other provision of law, all firearm
5 enhancements under this section are mandatory, shall be served in
6 total confinement, and shall run consecutively to all other
7 sentencing provisions, including other firearm or deadly weapon
8 enhancements, for all offenses sentenced under this chapter. However,
9 whether or not a mandatory minimum term has expired, an offender
10 serving a sentence under this subsection may be:

11 (i) Granted an extraordinary medical placement when authorized
12 under RCW 9.94A.728(1)(c); or

13 (ii) Released under the provisions of RCW 9.94A.730;

14 (f) The firearm enhancements in this section shall apply to all
15 felony crimes except the following: Possession of a machine gun or
16 bump-fire stock, possessing a stolen firearm, drive-by shooting,
17 theft of a firearm, unlawful possession of a firearm in the first and
18 second degree, and use of a machine gun or bump-fire stock in a
19 felony;

20 (g) If the standard sentence range under this section exceeds the
21 statutory maximum sentence for the offense, the statutory maximum
22 sentence shall be the presumptive sentence unless the offender is a
23 persistent offender. If the addition of a firearm enhancement
24 increases the sentence so that it would exceed the statutory maximum
25 for the offense, the portion of the sentence representing the
26 enhancement may not be reduced.

27 (4) The following additional times shall be added to the standard
28 sentence range for felony crimes committed after July 23, 1995, if
29 the offender or an accomplice was armed with a deadly weapon other
30 than a firearm as defined in RCW 9.41.010 and the offender is being
31 sentenced for one of the crimes listed in this subsection as eligible
32 for any deadly weapon enhancements based on the classification of the
33 completed felony crime. If the offender is being sentenced for more
34 than one offense, the deadly weapon enhancement or enhancements must
35 be added to the total period of confinement for all offenses,
36 regardless of which underlying offense is subject to a deadly weapon
37 enhancement. If the offender or an accomplice was armed with a deadly
38 weapon other than a firearm as defined in RCW 9.41.010 and the
39 offender is being sentenced for an anticipatory offense under chapter
40 9A.28 RCW to commit one of the crimes listed in this subsection as

1 eligible for any deadly weapon enhancements, the following additional
2 times shall be added to the standard sentence range determined under
3 subsection (2) of this section based on the felony crime of
4 conviction as classified under RCW 9A.28.020:

5 (a) Two years for any felony defined under any law as a class A
6 felony or with a statutory maximum sentence of at least twenty years,
7 or both, and not covered under (f) of this subsection;

8 (b) One year for any felony defined under any law as a class B
9 felony or with a statutory maximum sentence of ten years, or both,
10 and not covered under (f) of this subsection;

11 (c) Six months for any felony defined under any law as a class C
12 felony or with a statutory maximum sentence of five years, or both,
13 and not covered under (f) of this subsection;

14 (d) If the offender is being sentenced under (a), (b), and/or (c)
15 of this subsection for any deadly weapon enhancements and the
16 offender has previously been sentenced for any deadly weapon
17 enhancements after July 23, 1995, under (a), (b), and/or (c) of this
18 subsection or subsection (3)(a), (b), and/or (c) of this section, or
19 both, all deadly weapon enhancements under this subsection shall be
20 twice the amount of the enhancement listed;

21 (e) Notwithstanding any other provision of law, all deadly weapon
22 enhancements under this section are mandatory, shall be served in
23 total confinement, and shall run consecutively to all other
24 sentencing provisions, including other firearm or deadly weapon
25 enhancements, for all offenses sentenced under this chapter. However,
26 whether or not a mandatory minimum term has expired, an offender
27 serving a sentence under this subsection may be:

28 (i) Granted an extraordinary medical placement when authorized
29 under RCW 9.94A.728(1)(c); or

30 (ii) Released under the provisions of RCW 9.94A.730;

31 (f) The deadly weapon enhancements in this section shall apply to
32 all felony crimes except the following: Possession of a machine gun
33 or bump-fire stock, possessing a stolen firearm, drive-by shooting,
34 theft of a firearm, unlawful possession of a firearm in the first and
35 second degree, and use of a machine gun or bump-fire stock in a
36 felony;

37 (g) If the standard sentence range under this section exceeds the
38 statutory maximum sentence for the offense, the statutory maximum
39 sentence shall be the presumptive sentence unless the offender is a
40 persistent offender. If the addition of a deadly weapon enhancement

1 increases the sentence so that it would exceed the statutory maximum
2 for the offense, the portion of the sentence representing the
3 enhancement may not be reduced.

4 (5) The following additional times shall be added to the standard
5 sentence range if the offender or an accomplice committed the offense
6 while in a county jail or state correctional facility and the
7 offender is being sentenced for one of the crimes listed in this
8 subsection. If the offender or an accomplice committed one of the
9 crimes listed in this subsection while in a county jail or state
10 correctional facility, and the offender is being sentenced for an
11 anticipatory offense under chapter 9A.28 RCW to commit one of the
12 crimes listed in this subsection, the following additional times
13 shall be added to the standard sentence range determined under
14 subsection (2) of this section:

15 (a) Eighteen months for offenses committed under RCW 69.50.401(2)
16 (a) or (b) or 69.50.410;

17 (b) Fifteen months for offenses committed under RCW 69.50.401(2)
18 (c), (d), or (e);

19 (c) Twelve months for offenses committed under RCW 69.50.4013.

20 For the purposes of this subsection, all of the real property of
21 a state correctional facility or county jail shall be deemed to be
22 part of that facility or county jail.

23 (6) An additional twenty-four months shall be added to the
24 standard sentence range for any ranked offense involving a violation
25 of chapter 69.50 RCW if the offense was also a violation of RCW
26 69.50.435 or 9.94A.827. All enhancements under this subsection shall
27 run consecutively to all other sentencing provisions, for all
28 offenses sentenced under this chapter.

29 (7) An additional two years shall be added to the standard
30 sentence range for vehicular homicide committed while under the
31 influence of intoxicating liquor or any drug as defined by RCW
32 46.61.502 for each prior offense as defined in RCW 46.61.5055.

33 Notwithstanding any other provision of law, all impaired driving
34 enhancements under this subsection are mandatory, shall be served in
35 total confinement, and shall run consecutively to all other
36 sentencing provisions, including other impaired driving enhancements,
37 for all offenses sentenced under this chapter.

38 An offender serving a sentence under this subsection may be
39 granted an extraordinary medical placement when authorized under RCW
40 9.94A.728(1)(c).

1 (8)(a) The following additional times shall be added to the
2 standard sentence range for felony crimes committed on or after July
3 1, 2006, if the offense was committed with sexual motivation, as that
4 term is defined in RCW 9.94A.030. If the offender is being sentenced
5 for more than one offense, the sexual motivation enhancement must be
6 added to the total period of total confinement for all offenses,
7 regardless of which underlying offense is subject to a sexual
8 motivation enhancement. If the offender committed the offense with
9 sexual motivation and the offender is being sentenced for an
10 anticipatory offense under chapter 9A.28 RCW, the following
11 additional times shall be added to the standard sentence range
12 determined under subsection (2) of this section based on the felony
13 crime of conviction as classified under RCW 9A.28.020:

14 (i) Two years for any felony defined under the law as a class A
15 felony or with a statutory maximum sentence of at least twenty years,
16 or both;

17 (ii) Eighteen months for any felony defined under any law as a
18 class B felony or with a statutory maximum sentence of ten years, or
19 both;

20 (iii) One year for any felony defined under any law as a class C
21 felony or with a statutory maximum sentence of five years, or both;

22 (iv) If the offender is being sentenced for any sexual motivation
23 enhancements under (a)(i), (ii), and/or (iii) of this subsection and
24 the offender has previously been sentenced for any sexual motivation
25 enhancements on or after July 1, 2006, under (a)(i), (ii), and/or
26 (iii) of this subsection, all sexual motivation enhancements under
27 this subsection shall be twice the amount of the enhancement listed;

28 (b) Notwithstanding any other provision of law, all sexual
29 motivation enhancements under this subsection are mandatory, shall be
30 served in total confinement, and shall run consecutively to all other
31 sentencing provisions, including other sexual motivation
32 enhancements, for all offenses sentenced under this chapter. However,
33 whether or not a mandatory minimum term has expired, an offender
34 serving a sentence under this subsection may be:

35 (i) Granted an extraordinary medical placement when authorized
36 under RCW 9.94A.728(1)(c); or

37 (ii) Released under the provisions of RCW 9.94A.730;

38 (c) The sexual motivation enhancements in this subsection apply
39 to all felony crimes;

1 (d) If the standard sentence range under this subsection exceeds
2 the statutory maximum sentence for the offense, the statutory maximum
3 sentence shall be the presumptive sentence unless the offender is a
4 persistent offender. If the addition of a sexual motivation
5 enhancement increases the sentence so that it would exceed the
6 statutory maximum for the offense, the portion of the sentence
7 representing the enhancement may not be reduced;

8 (e) The portion of the total confinement sentence which the
9 offender must serve under this subsection shall be calculated before
10 any earned early release time is credited to the offender;

11 (f) Nothing in this subsection prevents a sentencing court from
12 imposing a sentence outside the standard sentence range pursuant to
13 RCW 9.94A.535.

14 (9) An additional one-year enhancement shall be added to the
15 standard sentence range for the felony crimes of RCW 9A.44.073,
16 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on
17 or after July 22, 2007, if the offender engaged, agreed, or offered
18 to engage the victim in the sexual conduct in return for a fee. If
19 the offender is being sentenced for more than one offense, the
20 one-year enhancement must be added to the total period of total
21 confinement for all offenses, regardless of which underlying offense
22 is subject to the enhancement. If the offender is being sentenced for
23 an anticipatory offense for the felony crimes of RCW 9A.44.073,
24 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the
25 offender attempted, solicited another, or conspired to engage, agree,
26 or offer to engage the victim in the sexual conduct in return for a
27 fee, an additional one-year enhancement shall be added to the
28 standard sentence range determined under subsection (2) of this
29 section. For purposes of this subsection, "sexual conduct" means
30 sexual intercourse or sexual contact, both as defined in chapter
31 9A.44 RCW.

32 (10)(a) For a person age eighteen or older convicted of any
33 criminal street gang-related felony offense for which the person
34 compensated, threatened, or solicited a minor in order to involve the
35 minor in the commission of the felony offense, the standard sentence
36 range is determined by locating the sentencing grid sentence range
37 defined by the appropriate offender score and the seriousness level
38 of the completed crime, and multiplying the range by one hundred
39 twenty-five percent. If the standard sentence range under this
40 subsection exceeds the statutory maximum sentence for the offense,

1 the statutory maximum sentence is the presumptive sentence unless the
2 offender is a persistent offender.

3 (b) This subsection does not apply to any criminal street gang-
4 related felony offense for which involving a minor in the commission
5 of the felony offense is an element of the offense.

6 (c) The increased penalty specified in (a) of this subsection is
7 unavailable in the event that the prosecution gives notice that it
8 will seek an exceptional sentence based on an aggravating factor
9 under RCW 9.94A.535.

10 (11) An additional twelve months and one day shall be added to
11 the standard sentence range for a conviction of attempting to elude a
12 police vehicle as defined by RCW 46.61.024, if the conviction
13 included a finding by special allegation of endangering one or more
14 persons under RCW 9.94A.834.

15 (12) An additional twelve months shall be added to the standard
16 sentence range for an offense that is also a violation of RCW
17 9.94A.831.

18 (13) An additional twelve months shall be added to the standard
19 sentence range for vehicular homicide committed while under the
20 influence of intoxicating liquor or any drug as defined by RCW
21 46.61.520 or for vehicular assault committed while under the
22 influence of intoxicating liquor or any drug as defined by RCW
23 46.61.522, or for any felony driving under the influence (RCW
24 46.61.502(6)) or felony physical control under the influence (RCW
25 46.61.504(6)) for each child passenger under the age of sixteen who
26 is an occupant in the defendant's vehicle. These enhancements shall
27 be mandatory, shall be served in total confinement, and shall run
28 consecutively to all other sentencing provisions, including other
29 minor child enhancements, for all offenses sentenced under this
30 chapter. If the addition of a minor child enhancement increases the
31 sentence so that it would exceed the statutory maximum for the
32 offense, the portion of the sentence representing the enhancement
33 shall be mandatory, shall be served in total confinement, and shall
34 run consecutively to all other sentencing provisions.

35 (14) An additional twelve months shall be added to the standard
36 sentence range for an offense that is also a violation of RCW
37 9.94A.832.

38 (15) An additional 12 months may, at the discretion of the court,
39 be added to the standard sentence range for an offense that is also a
40 violation of section 25 of this act.

1 (16) Regardless of any provisions in this section, if a person is
 2 being sentenced in adult court for a crime committed under age
 3 eighteen, the court has full discretion to depart from mandatory
 4 sentencing enhancements and to take the particular circumstances
 5 surrounding the defendant's youth into account.

6 **Sec. 29.** RCW 9.94A.515 and 2023 c 196 s 3 and 2023 c 7 s 3 are
 7 each reenacted and amended to read as follows:

8 TABLE 2

9 CRIMES INCLUDED WITHIN EACH
 10 SERIOUSNESS LEVEL

- 11 XVI Aggravated Murder 1 (RCW 10.95.020)
- 12 XV Homicide by abuse (RCW 9A.32.055)
- 13 Malicious explosion 1 (RCW
- 14 70.74.280(1))
- 15 Murder 1 (RCW 9A.32.030)
- 16 XIV Murder 2 (RCW 9A.32.050)
- 17 Trafficking 1 (RCW 9A.40.100(1))
- 18 XIII Malicious explosion 2 (RCW
- 19 70.74.280(2))
- 20 Malicious placement of an explosive 1
- 21 (RCW 70.74.270(1))
- 22 XII Assault 1 (RCW 9A.36.011)
- 23 Assault of a Child 1 (RCW 9A.36.120)
- 24 Malicious placement of an imitation
- 25 device 1 (RCW 70.74.272(1)(a))
- 26 Promoting Commercial Sexual Abuse
- 27 of a Minor (RCW 9.68A.101)
- 28 Rape 1 (RCW 9A.44.040)
- 29 Rape of a Child 1 (RCW 9A.44.073)
- 30 Trafficking 2 (RCW 9A.40.100(3))
- 31 XI Manslaughter 1 (RCW 9A.32.060)
- 32 Rape 2 (RCW 9A.44.050)
- 33 Rape of a Child 2 (RCW 9A.44.076)

1 Vehicular Homicide, by being under the
2 influence of intoxicating liquor or
3 any drug (RCW 46.61.520)
4 Vehicular Homicide, by the operation of
5 any vehicle in a reckless manner
6 (RCW 46.61.520)
7 X Child Molestation 1 (RCW 9A.44.083)
8 Criminal Mistreatment 1 (RCW
9 9A.42.020)
10 Indecent Liberties (with forcible
11 compulsion) (RCW
12 9A.44.100(1)(a))
13 Kidnapping 1 (RCW 9A.40.020)
14 Leading Organized Crime (RCW
15 9A.82.060(1)(a))
16 Malicious explosion 3 (RCW
17 70.74.280(3))
18 Sexually Violent Predator Escape (RCW
19 9A.76.115)
20 IX Abandonment of Dependent Person 1
21 (RCW 9A.42.060)
22 Assault of a Child 2 (RCW 9A.36.130)
23 Explosive devices prohibited (RCW
24 70.74.180)
25 Hit and Run—Death (RCW
26 46.52.020(4)(a))
27 Homicide by Watercraft, by being under
28 the influence of intoxicating liquor
29 or any drug (RCW 79A.60.050)
30 Inciting Criminal Profiteering (RCW
31 9A.82.060(1)(b))
32 Malicious placement of an explosive 2
33 (RCW 70.74.270(2))
34 Robbery 1 (RCW 9A.56.200)
35 Sexual Exploitation (RCW 9.68A.040)

1 VIII Arson 1 (RCW 9A.48.020)
2 Commercial Sexual Abuse of a Minor
3 (RCW 9.68A.100)
4 Homicide by Watercraft, by the
5 operation of any vessel in a reckless
6 manner (RCW 79A.60.050)
7 Manslaughter 2 (RCW 9A.32.070)
8 Promoting Prostitution 1 (RCW
9 9A.88.070)
10 Theft of Ammonia (RCW 69.55.010)
11 VII Air bag diagnostic systems (causing
12 bodily injury or death) (RCW
13 46.37.660(2)(b))
14 Air bag replacement requirements
15 (causing bodily injury or death)
16 (RCW 46.37.660(1)(b))
17 Burglary 1 (RCW 9A.52.020)
18 Child Molestation 2 (RCW 9A.44.086)
19 Civil Disorder Training (RCW
20 9A.48.120)
21 Custodial Sexual Misconduct 1 (RCW
22 9A.44.160)
23 Dealing in depictions of minor engaged
24 in sexually explicit conduct 1
25 (RCW 9.68A.050(1))
26 Drive-by Shooting (RCW 9A.36.045)
27 False Reporting 1 (RCW
28 9A.84.040(2)(a))
29 Homicide by Watercraft, by disregard
30 for the safety of others (RCW
31 79A.60.050)
32 Indecent Liberties (without forcible
33 compulsion) (RCW 9A.44.100(1)
34 (b) and (c))
35 Introducing Contraband 1 (RCW
36 9A.76.140)

1 Malicious placement of an explosive 3
2 (RCW 70.74.270(3))
3 Manufacture or import counterfeit,
4 nonfunctional, damaged, or
5 previously deployed air bag
6 (causing bodily injury or death)
7 (RCW 46.37.650(1)(b))
8 Negligently Causing Death By Use of a
9 Signal Preemption Device (RCW
10 46.37.675)
11 Sell, install, or reinstall counterfeit,
12 nonfunctional, damaged, or
13 previously deployed airbag (RCW
14 46.37.650(2)(b))
15 Sending, bringing into state depictions
16 of minor engaged in sexually
17 explicit conduct 1 (RCW
18 9.68A.060(1))
19 Unlawful Possession of a Firearm in the
20 first degree (RCW 9.41.040(1))
21 Use of a Machine Gun or Bump-fire
22 Stock in Commission of a Felony
23 (RCW 9.41.225)
24 Vehicular Homicide, by disregard for
25 the safety of others (RCW
26 46.61.520)
27 VI Bail Jumping with Murder 1 (RCW
28 9A.76.170(3)(a))
29 Bribery (RCW 9A.68.010)
30 Incest 1 (RCW 9A.64.020(1))
31 Intimidating a Judge (RCW 9A.72.160)
32 Intimidating a Juror/Witness (RCW
33 9A.72.110, 9A.72.130)
34 Malicious placement of an imitation
35 device 2 (RCW 70.74.272(1)(b))

1 Possession of Depictions of a Minor
2 Engaged in Sexually Explicit
3 Conduct 1 (RCW 9.68A.070(1))
4 Rape of a Child 3 (RCW 9A.44.079)
5 Theft of a Firearm (RCW 9A.56.300)
6 Theft from a Vulnerable Adult 1 (RCW
7 9A.56.400(1))
8 Unlawful Storage of Ammonia (RCW
9 69.55.020)
10 V Abandonment of Dependent Person 2
11 (RCW 9A.42.070)
12 Advancing money or property for
13 extortionate extension of credit
14 (RCW 9A.82.030)
15 Air bag diagnostic systems (RCW
16 46.37.660(2)(c))
17 Air bag replacement requirements
18 (RCW 46.37.660(1)(c))
19 Bail Jumping with class A Felony
20 (RCW 9A.76.170(3)(b))
21 Child Molestation 3 (RCW 9A.44.089)
22 Criminal Mistreatment 2 (RCW
23 9A.42.030)
24 Custodial Sexual Misconduct 2 (RCW
25 9A.44.170)
26 Dealing in Depictions of Minor
27 Engaged in Sexually Explicit
28 Conduct 2 (RCW 9.68A.050(2))
29 Domestic Violence Court Order
30 Violation (RCW 7.105.450,
31 10.99.040, 10.99.050, 26.09.300,
32 26.26B.050, or 26.52.070)
33 Extortion 1 (RCW 9A.56.120)
34 Extortionate Extension of Credit (RCW
35 9A.82.020)

1 Extortionate Means to Collect
2 Extensions of Credit (RCW
3 9A.82.040)
4 Incest 2 (RCW 9A.64.020(2))
5 Kidnapping 2 (RCW 9A.40.030)
6 Manufacture or import counterfeit,
7 nonfunctional, damaged, or
8 previously deployed air bag (RCW
9 46.37.650(1)(c))
10 Perjury 1 (RCW 9A.72.020)
11 Persistent prison misbehavior (RCW
12 9.94.070)
13 Possession of a Stolen Firearm (RCW
14 9A.56.310)
15 Rape 3 (RCW 9A.44.060)
16 Rendering Criminal Assistance 1 (RCW
17 9A.76.070)
18 Sell, install, or reinstall counterfeit,
19 nonfunctional, damaged, or
20 previously deployed airbag (RCW
21 46.37.650(2)(c))
22 Sending, Bringing into State Depictions
23 of Minor Engaged in Sexually
24 Explicit Conduct 2 (RCW
25 9.68A.060(2))
26 Sexual Misconduct with a Minor 1
27 (RCW 9A.44.093)
28 Sexually Violating Human Remains
29 (RCW 9A.44.105)
30 Stalking (RCW 9A.46.110)
31 Taking Motor Vehicle Without
32 Permission 1 (RCW 9A.56.070)
33 IV Arson 2 (RCW 9A.48.030)
34 Assault 2 (RCW 9A.36.021)

1 Assault 3 (of a Peace Officer with a
2 Projectile Stun Gun) (RCW
3 9A.36.031(1)(h))
4 Assault 4 (third domestic violence
5 offense) (RCW 9A.36.041(3))
6 Assault by Watercraft (RCW
7 79A.60.060)
8 Bribing a Witness/Bribe Received by
9 Witness (RCW 9A.72.090,
10 9A.72.100)
11 Cheating 1 (RCW 9.46.1961)
12 Commercial Bribery (RCW 9A.68.060)
13 Counterfeiting (RCW 9.16.035(4))
14 Driving While Under the Influence
15 (RCW 46.61.502(6))
16 Endangerment with a Controlled
17 Substance (RCW 9A.42.100)
18 Escape 1 (RCW 9A.76.110)
19 Hate Crime (RCW 9A.36.080)
20 Hit and Run—Injury (RCW
21 46.52.020(4)(b))
22 Hit and Run with Vessel—Injury
23 Accident (RCW 79A.60.200(3))
24 Identity Theft 1 (RCW 9.35.020(2))
25 Indecent Exposure to Person Under Age
26 14 (subsequent sex offense) (RCW
27 9A.88.010)
28 Influencing Outcome of Sporting Event
29 (RCW 9A.82.070)
30 Physical Control of a Vehicle While
31 Under the Influence (RCW
32 46.61.504(6))
33 Possession of Depictions of a Minor
34 Engaged in Sexually Explicit
35 Conduct 2 (RCW 9.68A.070(2))

1 Residential Burglary (RCW 9A.52.025)
2 Robbery 2 (RCW 9A.56.210)
3 Theft of Livestock 1 (RCW 9A.56.080)
4 Threats to Bomb (RCW 9.61.160)
5 Trafficking in Catalytic Converters 1
6 (section 24 of this act)
7 Trafficking in Stolen Property 1 (RCW
8 9A.82.050)
9 Unlawful factoring of a credit card or
10 payment card transaction (RCW
11 9A.56.290(4)(b))
12 Unlawful transaction of health coverage
13 as a health care service contractor
14 (RCW 48.44.016(3))
15 Unlawful transaction of health coverage
16 as a health maintenance
17 organization (RCW 48.46.033(3))
18 Unlawful transaction of insurance
19 business (RCW 48.15.023(3))
20 Unlicensed practice as an insurance
21 professional (RCW 48.17.063(2))
22 Use of Proceeds of Criminal
23 Profiteering (RCW 9A.82.080 (1)
24 and (2))
25 Vehicle Prowling 2 (third or subsequent
26 offense) (RCW 9A.52.100(3))
27 Vehicular Assault, by being under the
28 influence of intoxicating liquor or
29 any drug, or by the operation or
30 driving of a vehicle in a reckless
31 manner (RCW 46.61.522)
32 Viewing of Depictions of a Minor
33 Engaged in Sexually Explicit
34 Conduct 1 (RCW 9.68A.075(1))
35 III Animal Cruelty 1 (Sexual Conduct or
36 Contact) (RCW 16.52.205(3))

1 Assault 3 (Except Assault 3 of a Peace
2 Officer With a Projectile Stun Gun)
3 (RCW 9A.36.031 except subsection
4 (1)(h))
5 Assault of a Child 3 (RCW 9A.36.140)
6 Bail Jumping with class B or C Felony
7 (RCW 9A.76.170(3)(c))
8 Burglary 2 (RCW 9A.52.030)
9 Communication with a Minor for
10 Immoral Purposes (RCW
11 9.68A.090)
12 Criminal Gang Intimidation (RCW
13 9A.46.120)
14 Custodial Assault (RCW 9A.36.100)
15 Cyber Harassment (RCW
16 9A.90.120(2)(b))
17 Escape 2 (RCW 9A.76.120)
18 Extortion 2 (RCW 9A.56.130)
19 False Reporting 2 (RCW
20 9A.84.040(2)(b))
21 Harassment (RCW 9A.46.020)
22 Hazing (RCW 28B.10.901(2)(b))
23 Intimidating a Public Servant (RCW
24 9A.76.180)
25 Introducing Contraband 2 (RCW
26 9A.76.150)
27 Malicious Injury to Railroad Property
28 (RCW 81.60.070)
29 Manufacture of Untraceable Firearm
30 with Intent to Sell (RCW 9.41.190)
31 Manufacture or Assembly of an
32 Undetectable Firearm or
33 Untraceable Firearm (RCW
34 9.41.325)
35 Mortgage Fraud (RCW 19.144.080)

1 Negligently Causing Substantial Bodily
2 Harm By Use of a Signal
3 Preemption Device (RCW
4 46.37.674)
5 Organized Retail Theft 1 (RCW
6 9A.56.350(2))
7 Perjury 2 (RCW 9A.72.030)
8 Possession of Incendiary Device (RCW
9 9.40.120)
10 Possession of Machine Gun, Bump-Fire
11 Stock, Undetectable Firearm, or
12 Short-Barreled Shotgun or Rifle
13 (RCW 9.41.190)
14 Promoting Prostitution 2 (RCW
15 9A.88.080)
16 Retail Theft with Special Circumstances
17 1 (RCW 9A.56.360(2))
18 Securities Act violation (RCW
19 21.20.400)
20 Tampering with a Witness (RCW
21 9A.72.120)
22 Telephone Harassment (subsequent
23 conviction or threat of death)
24 (RCW 9.61.230(2))
25 Theft of Livestock 2 (RCW 9A.56.083)
26 Theft with the Intent to Resell 1 (RCW
27 9A.56.340(2))
28 Trafficking in Catalytic Converters 2
29 (section 26 of this act)
30 Trafficking in Stolen Property 2 (RCW
31 9A.82.055)
32 Unlawful Hunting of Big Game 1
33 (RCW 77.15.410(3)(b))
34 Unlawful Imprisonment (RCW
35 9A.40.040)

1 Unlawful Misbranding of Fish or
2 Shellfish 1 (RCW 77.140.060(3))
3 Unlawful possession of firearm in the
4 second degree (RCW 9.41.040(2))
5 Unlawful Taking of Endangered Fish or
6 Wildlife 1 (RCW 77.15.120(3)(b))
7 Unlawful Trafficking in Fish, Shellfish,
8 or Wildlife 1 (RCW
9 77.15.260(3)(b))
10 Unlawful Use of a Nondesignated
11 Vessel (RCW 77.15.530(4))
12 Vehicular Assault, by the operation or
13 driving of a vehicle with disregard
14 for the safety of others (RCW
15 46.61.522)
16 II Commercial Fishing Without a License
17 1 (RCW 77.15.500(3)(b))
18 Computer Trespass 1 (RCW 9A.90.040)
19 Counterfeiting (RCW 9.16.035(3))
20 Electronic Data Service Interference
21 (RCW 9A.90.060)
22 Electronic Data Tampering 1 (RCW
23 9A.90.080)
24 Electronic Data Theft (RCW
25 9A.90.100)
26 Engaging in Fish Dealing Activity
27 Unlicensed 1 (RCW 77.15.620(3))
28 Escape from Community Custody
29 (RCW 72.09.310)
30 Failure to Register as a Sex Offender
31 (second or subsequent offense)
32 (RCW 9A.44.130 prior to June 10,
33 2010, and RCW 9A.44.132)
34 Health Care False Claims (RCW
35 48.80.030)
36 Identity Theft 2 (RCW 9.35.020(3))

1 Improperly Obtaining Financial
2 Information (RCW 9.35.010)
3 Malicious Mischief 1 (RCW 9A.48.070)
4 Organized Retail Theft 2 (RCW
5 9A.56.350(3))
6 Possession of Stolen Property 1 (RCW
7 9A.56.150)
8 Possession of a Stolen Vehicle (RCW
9 9A.56.068)
10 Possession, sale, or offering for sale of
11 seven or more unmarked catalytic
12 converters (section 23(5) of this
13 act)
14 Retail Theft with Special Circumstances
15 2 (RCW 9A.56.360(3))
16 Scrap Processing, Recycling, or
17 Supplying Without a License
18 (second or subsequent offense)
19 (RCW 19.290.100)
20 Theft 1 (RCW 9A.56.030)
21 Theft of a Motor Vehicle (RCW
22 9A.56.065)
23 Theft of Rental, Leased, Lease-
24 purchased, or Loaned Property
25 (valued at \$5,000 or more) (RCW
26 9A.56.096(5)(a))
27 Theft with the Intent to Resell 2 (RCW
28 9A.56.340(3))
29 Trafficking in Insurance Claims (RCW
30 48.30A.015)
31 Unlawful factoring of a credit card or
32 payment card transaction (RCW
33 9A.56.290(4)(a))
34 Unlawful Participation of Non-Indians
35 in Indian Fishery (RCW
36 77.15.570(2))

1 Unlawful Practice of Law (RCW
2 2.48.180)
3 Unlawful Purchase or Use of a License
4 (RCW 77.15.650(3)(b))
5 Unlawful Trafficking in Fish, Shellfish,
6 or Wildlife 2 (RCW
7 77.15.260(3)(a))
8 Unlicensed Practice of a Profession or
9 Business (RCW 18.130.190(7))
10 Voyeurism 1 (RCW 9A.44.115)
11 I Attempting to Elude a Pursuing Police
12 Vehicle (RCW 46.61.024)
13 False Verification for Welfare (RCW
14 74.08.055)
15 Forgery (RCW 9A.60.020)
16 Fraudulent Creation or Revocation of a
17 Mental Health Advance Directive
18 (RCW 9A.60.060)
19 Malicious Mischief 2 (RCW 9A.48.080)
20 Mineral Trespass (RCW 78.44.330)
21 Possession of Stolen Property 2 (RCW
22 9A.56.160)
23 Reckless Burning 1 (RCW 9A.48.040)
24 Spotlighting Big Game 1 (RCW
25 77.15.450(3)(b))
26 Suspension of Department Privileges 1
27 (RCW 77.15.670(3)(b))
28 Taking Motor Vehicle Without
29 Permission 2 (RCW 9A.56.075)
30 Theft 2 (RCW 9A.56.040)
31 Theft from a Vulnerable Adult 2 (RCW
32 9A.56.400(2))

1 Theft of Rental, Leased, Lease-
2 purchased, or Loaned Property
3 (valued at \$750 or more but less
4 than \$5,000) (RCW
5 9A.56.096(5)(b))
6 Transaction of insurance business
7 beyond the scope of licensure
8 (RCW 48.17.063)
9 Unlawful Fish and Shellfish Catch
10 Accounting (RCW 77.15.630(3)(b))
11 Unlawful Issuance of Checks or Drafts
12 (RCW 9A.56.060)
13 Unlawful Possession of Fictitious
14 Identification (RCW 9A.56.320)
15 Unlawful Possession of Instruments of
16 Financial Fraud (RCW 9A.56.320)
17 Unlawful Possession of Payment
18 Instruments (RCW 9A.56.320)
19 Unlawful Possession of a Personal
20 Identification Device (RCW
21 9A.56.320)
22 Unlawful Production of Payment
23 Instruments (RCW 9A.56.320)
24 Unlawful Releasing, Planting,
25 Possessing, or Placing Deleterious
26 Exotic Wildlife (RCW
27 77.15.250(2)(b))
28 Unlawful Trafficking in Food Stamps
29 (RCW 9.91.142)
30 Unlawful Use of Food Stamps (RCW
31 9.91.144)
32 Unlawful Use of Net to Take Fish 1
33 (RCW 77.15.580(3)(b))
34 Vehicle Prowl 1 (RCW 9A.52.095)
35 Violating Commercial Fishing Area or
36 Time 1 (RCW 77.15.550(3)(b))

1 NEW SECTION. **Sec. 30.** This act takes effect April 1, 2025."

ESHB 2153 - S COMM AMD
By Committee on Transportation

ADOPTED 03/01/2024

2 On page 1, line 1 of the title, after "converters;" strike the
3 remainder of the title and insert "amending RCW 19.290.010,
4 19.290.020, 19.290.030, 19.290.040, 19.290.050, 19.290.060,
5 19.290.080, 19.290.220, 19.290.240, 46.79.010, 46.80.080, 46.80.210,
6 46.12.560, and 9A.82.010; reenacting and amending RCW 46.80.010,
7 9.94A.533, and 9.94A.515; adding a new section to chapter 19.290 RCW;
8 adding a new section to chapter 46.70 RCW; adding new sections to
9 chapter 46.79 RCW; adding a new section to chapter 46.80 RCW; adding
10 a new section to chapter 43.43 RCW; adding new sections to chapter
11 9A.82 RCW; adding a new section to chapter 9.94A RCW; creating a new
12 section; prescribing penalties; and providing an effective date."

EFFECT: Expands the violations subject to a civil penalty, if not
criminally charged, to include all violations of the scrap metal
statute.

--- END ---