

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5542

68th Legislature
2023 Regular Session

Passed by the Senate February 27,
2023

Yeas 48 Nays 0

President of the Senate

Passed by the House April 6, 2023

Yeas 96 Nays 0

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5542** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5542

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By Senate Law & Justice (originally sponsored by Senators J. Wilson, Rolfes, Fortunato, Shewmake, Hunt, C. Wilson, Cleveland, Lovick, Valdez, Padden, Gildon, Braun, Lovelett, Nguyen, Salomon, and L. Wilson)

READ FIRST TIME 02/10/23.

1 AN ACT Relating to preventing the destruction of electric vehicle
2 supply equipment; reenacting and amending RCW 19.290.010; and
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that electric
6 vehicle supply equipment made available for commercial or public use
7 is susceptible to vandalism and theft because the equipment may
8 contain metal components that thieves will seek to steal and sell. In
9 order to discourage the destruction of electric vehicle supply
10 equipment, the legislature finds that such equipment should be
11 defined as commercial metal property and therefore be made subject to
12 the same sale restrictions that apply to other commercial metal
13 property.

14 **Sec. 2.** RCW 19.290.010 and 2013 c 322 s 4 are each reenacted and
15 amended to read as follows:

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

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

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

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

20 (4) "Engage in business" means conducting more than (~~twelve~~) 12
21 transactions in a (~~twelve-month~~) 12-month period.

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

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

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

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

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

1 (10) "Scrap metal business" means a scrap metal supplier, scrap
2 metal recycler, and scrap metal processor.

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

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

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

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

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