

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5542**

Chapter 125, Laws of 2023

68th Legislature  
2023 Regular Session

ELECTRIC VEHICLE CHARGING EQUIPMENT—THEFT AND VANDALISM—SCRAP METAL

EFFECTIVE DATE: July 23, 2023

Passed by the Senate February 27,  
2023

Yeas 48 Nays 0

DENNY HECK

**President of the Senate**

Passed by the House April 6, 2023

Yeas 96 Nays 0

Laurie Jinkins

**Speaker of the House of  
Representatives**

Approved April 20, 2023 10:34 AM

JAY INSLEE

**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.

SARAH BANNISTER

**Secretary**

FILED

April 21, 2023

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5542**

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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.

Passed by the Senate February 27, 2023.

Passed by the House April 6, 2023.

Approved by the Governor April 20, 2023.

Filed in Office of Secretary of State April 21, 2023.

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