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HOUSE BILL 2721

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State of Washington

53rd Legislature

1994 Regular Session

By Representatives L. Johnson and Valle

Read first time 01/21/94. Referred to Committee on Health Care.

1 AN ACT Relating to smoking in hotels, motels, and other lodging  
2 establishments; amending RCW 4.24.230; and prescribing penalties.

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

4 **Sec. 1.** RCW 4.24.230 and 1987 c 353 s 1 are each amended to read  
5 as follows:

6 (1) An adult or emancipated minor who takes possession of any  
7 goods, wares, or merchandise displayed or offered for sale by any  
8 wholesale or retail store or other mercantile establishment without the  
9 consent of the owner or seller, and with the intention of converting  
10 such goods, wares, or merchandise to his or her own use without having  
11 paid the purchase price thereof shall be liable in addition to actual  
12 damages, for a penalty to the owner or seller in the amount of the  
13 retail value thereof not to exceed one thousand dollars, plus an  
14 additional penalty of not less than one hundred dollars nor more than  
15 two hundred dollars, plus all reasonable attorney's fees and court  
16 costs expended by the owner or seller. A customer who orders a meal in  
17 a restaurant or other eating establishment, receives at least a portion  
18 thereof, and then leaves without paying, is subject to liability under  
19 this section. A person who shall receive any food, money, credit,

1 lodging, or accommodation at any hotel, motel, boarding house, or  
2 lodging house, and then leaves without paying the proprietor, manager,  
3 or authorized employee thereof, is subject to liability under this  
4 section.

5 (2) The parent or legal guardian having the custody of an  
6 unemancipated minor who takes possession of any goods, wares, or  
7 merchandise displayed or offered for sale by any wholesale or retail  
8 store or other mercantile establishment without the consent of the  
9 owner or seller and with the intention of converting such goods, wares,  
10 or merchandise to his or her own use without having paid the purchase  
11 price thereof, shall be liable as a penalty to the owner or seller for  
12 the retail value of such goods, wares, or merchandise not to exceed  
13 five hundred dollars plus an additional penalty of not less than one  
14 hundred dollars nor more than two hundred dollars, plus all reasonable  
15 attorney's fees and court costs expended by the owner or seller. The  
16 parent or legal guardian having the custody of an unemancipated minor,  
17 who orders a meal in a restaurant or other eating establishment,  
18 receives at least a portion thereof, and then leaves without paying, is  
19 subject to liability under this section. The parent or legal guardian  
20 having the custody of an unemancipated minor, who receives any food,  
21 money, credit, lodging, or accommodation at any hotel, motel, boarding  
22 house, or lodging house, and then leaves without paying the proprietor,  
23 manager, or authorized employee thereof, is subject to liability under  
24 this section. For the purposes of this subsection, liability shall not  
25 be imposed upon any governmental entity, private agency, or foster  
26 parent assigned responsibility for the minor child pursuant to court  
27 order or action of the department of social and health services.

28 (3) An adult or emancipated minor who requests and is assigned to  
29 an accommodation in a hotel, motel, boarding house, or lodging house  
30 that has been designated as a nonsmoking room and who causes or allows  
31 smoking to occur in the room, is subject to liability under this  
32 section for reasonable costs necessary to return the accommodation to  
33 a nonsmoking room. The parent or legal guardian having custody of an  
34 unemancipated minor, who requests and is assigned to an accommodation  
35 in a hotel, motel, boarding house, or lodging house that is designated  
36 as nonsmoking and who causes or allows smoking to occur in the  
37 accommodation, is subject to liability under this section for  
38 reasonable costs necessary to return the accommodation to a nonsmoking  
39 room.

1        (4) Judgments, but not claims, arising under this section may be  
2 assigned.

3        (~~(4)~~) (5) A conviction for violation of chapter 9A.56 RCW (~~or~~  
4 ~~RCW 9.45.040~~) shall not be a condition precedent to maintenance of a  
5 civil action authorized by this section.

6        (~~(5)~~) (6) An owner or seller demanding payment of a penalty under  
7 subsection (1) or (2) of this section shall give written notice to the  
8 person or persons from whom the penalty is sought. The notice shall  
9 state:

10        "IMPORTANT NOTICE: The payment of any penalty demanded of you does  
11 not prevent criminal prosecution under a related criminal provision."

12        This notice shall be boldly and conspicuously displayed, in at  
13 least the same size type as is used in the demand, and shall be sent  
14 with the demand for payment of a penalty described in subsection (1)  
15 (~~of {or}~~) or (2) of this section.

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