

---

SENATE BILL 6372

---

State of Washington                      53rd Legislature                      1994 Regular Session

By Senators A. Smith, Nelson, Oke, M. Rasmussen and Haugen

Read first time 01/20/94. Referred to Committee on Law & Justice.

1            AN ACT Relating to liability for cleanup and repair of damaged  
2 lodging or accommodation premises; and amending RCW 4.24.230.

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 own use without having paid  
11 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 own use without having paid the purchase price  
11 thereof, shall be liable as a penalty to the owner or seller for the  
12 retail value of such goods, wares, or merchandise not to exceed five  
13 hundred dollars plus an additional penalty of not less than one hundred  
14 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) The parent or legal guardian having the custody of an  
29 unemancipated minor, who receives a lodging or accommodation or uses  
30 other facilities at a hotel, motel, boarding house, or lodging house  
31 and who damages the premises, is subject to liability under this  
32 section for the costs of cleanup and repair of the premises.

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

35 ~~((4))~~ (5) A conviction for violation of chapter 9A.56 RCW ~~((or~~  
36 ~~RCW 9.45.040))~~ shall not be a condition precedent to maintenance of a  
37 civil action authorized by this section.

38 ~~((5))~~ (6) An owner or seller demanding payment of a penalty under  
39 subsection (1) or (2) of this section shall give written notice to the

1 person or persons from whom the penalty is sought. The notice shall  
2 state:

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

5 This notice shall be boldly and conspicuously displayed, in at  
6 least the same size type as is used in the demand, and shall be sent  
7 with the demand for payment of a penalty described in subsection (1)  
8 (~~of~~~~or~~) or (2) of this section.

--- END ---