

CERTIFICATION OF ENROLLMENT

SENATE BILL 6286

Chapter 235, Laws of 1996

54th Legislature
1996 Regular Session

RIGHTS TO DIES, MOLDS, FORMS, AND PATTERNS

EFFECTIVE DATE: 6/6/96

Passed by the Senate March 4, 1996
YEAS 46 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House February 28, 1996
YEAS 94 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved March 28, 1996

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6286** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

March 28, 1996 - 5:10 p.m.

**Secretary of State
State of Washington**

SENATE BILL 6286

AS AMENDED BY THE HOUSE

Passed Legislature - 1996 Regular Session

State of Washington 54th Legislature 1996 Regular Session

By Senators Pelz, Deccio, Heavey and Hale

Read first time 01/10/96. Referred to Committee on Labor, Commerce & Trade.

1 AN ACT Relating to rights to dies, molds, forms, and patterns;
2 adding a new chapter to Title 63 RCW; and adding a new chapter to Title
3 60 RCW.

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

5 NEW SECTION. **Sec. 1.** Unless the context clearly requires
6 otherwise, the definitions in this section apply throughout this
7 chapter.

8 (1) "Customer" means an individual or entity that causes or did
9 cause a molder to fabricate, cast, or otherwise make a die, mold, or
10 form.

11 (2) "Molder" means an individual or entity, including but not
12 limited to a tool or die maker, that fabricates, casts, or otherwise
13 makes a die, mold, or form.

14 (3) "Within three years after the last use" means the three-year
15 period after the last use of a die, mold, or form, regardless of
16 whether or not any portion of that period predates the effective date
17 of this act.

1 NEW SECTION. **Sec. 2.** (1) In the absence of a written agreement
2 otherwise, the customer has title and all rights to a die, mold, or
3 form in the molder's possession.

4 (2) If a customer does not claim possession from a molder of a die,
5 mold, or form within three years after the last use of the die, mold,
6 or form, title and all rights to the die, mold, or form may be
7 transferred to the molder for the purpose of destroying or otherwise
8 disposing of the die, mold, or form.

9 (3) At least one hundred twenty days before seeking title and
10 rights to a die, mold, or form in its possession, a molder shall send
11 notice, via registered or certified mail, to the chief executive
12 officer of the customer or, if the customer is not a business entity,
13 to the customer's last known address. The notice must state that the
14 molder intends to seek title and rights to the die, mold, or form. The
15 notice must also include the name, address, and phone number of the
16 molder.

17 (4) If a customer does not respond in person or by mail within one
18 hundred twenty days after the date the notice was sent, or does not
19 make other contractual arrangements with the molder for storage of the
20 die, mold, or form, title and all rights of the customer transfer by
21 operation of law to the molder. Thereafter, the molder may destroy or
22 otherwise dispose of the die, mold, or form without any risk of
23 liability to the customer.

24 NEW SECTION. **Sec. 3.** Unless the context clearly requires
25 otherwise, the definitions in this section apply throughout this
26 chapter.

27 (1) "Customer" means an individual or entity that contracts with,
28 causes, or caused a plastic fabricator to use a die, mold, form, or
29 pattern to manufacture, assemble, or otherwise make a plastic product.

30 (2) "Plastic fabricator," "fabricator," or "molder" means an
31 individual or entity, including but not limited to a tool or die maker,
32 that contracts to or uses a die mold, form, or pattern to manufacture,
33 assemble, or otherwise make a plastic product for a customer.

34 NEW SECTION. **Sec. 4.** (1) A plastic fabricator, molder, and person
35 conducting a plastic fabricating business has a lien, dependent on
36 possession, on a die, mold, form, or pattern belonging to the customer
37 for the amount owing from the customer for plastic fabrication work and

1 for the value of materials used in the work. The fabricator may retain
2 possession of the die, mold, form, or pattern until the charges are
3 paid. This lien does not have priority over any security interest in
4 the die, mold, form, or pattern that is perfected at the time the
5 fabricator acquires the lien.

6 (2) Before a lien is enforced, the fabricator must cause written
7 notice to be delivered personally or by registered or certified mail to
8 the last known address of the customer. The notice must state that the
9 fabricator will exercise its lien right because of nonpayment. The
10 notice must also state the amount of money owed and demand payment.
11 The fabricator's name, address, and phone number must be included in
12 the notice.

13 (3) If the fabricator is not paid the total due within sixty days
14 after the notice has been received by the customer, the fabricator may
15 foreclose the lien by notice and sale as provided in this section, if
16 the die, mold, form, or pattern is in the fabricator's possession. The
17 fabricator must send notice of intended sale, by registered or
18 certified mail with return receipt requested, to the last known address
19 of the customer. The notice must include: A description of the die,
20 mold, form, or pattern to be sold; a statement of intent to sell the
21 die, mold, form, or pattern at public sale; the date, time, and place
22 of the sale; and an itemized statement of moneys owing.

23 If there is no return receipt or if the postal service returns the
24 notice as undeliverable, the fabricator shall publish notice of
25 intention to sell the die, mold, form, or pattern at public sale in a
26 newspaper of general circulation in the county where the die, mold,
27 form, or pattern is physically located. The publication must include:
28 A description of the die, mold, form, or pattern; the name, address,
29 and phone number of the customer; the name, address, and phone number
30 of the fabricator; and the date, time, and place of the sale.

31 The fabricator is entitled to the amount owing plus the costs of
32 holding, preparing for sale, and selling the die, mold, form, or
33 pattern. The fabricator is also entitled to reasonable attorneys' fees
34 incurred.

35 (4) If the sale proceeds exceed the amount owing, the excess must
36 be paid to subsequent lien holders. Any remainder must be remitted to
37 the customer.

1 (5) A public sale may not be held under this section if it is in
2 violation of a right of a customer under federal patent or copyright
3 law.

4 NEW SECTION. **Sec. 5.** (1) Sections 1 and 2 of this act shall
5 constitute a new chapter in Title 63 RCW.

6 (2) Sections 3 and 4 of this act shall constitute a new chapter in
7 Title 60 RCW.

Passed the Senate March 4, 1996.

Passed the House February 28, 1996.

Approved by the Governor March 28, 1996.

Filed in Office of Secretary of State March 28, 1996.