
SUBSTITUTE HOUSE BILL 2817

State of Washington

60th Legislature

2008 Regular Session

By House Select Committee on Environmental Health (originally sponsored by Representatives Campbell, Green, Morrell, Hudgins, and McCune)

READ FIRST TIME 02/04/08.

1 AN ACT Relating to motor vehicles, vehicles, and vessels
2 contaminated with methamphetamines; amending RCW 64.44.050; and adding
3 a new section to chapter 64.44 RCW.

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

5 **Sec. 1.** RCW 64.44.050 and 2006 c 339 s 205 are each amended to
6 read as follows:

7 (1) An owner of contaminated property who desires to have the
8 property decontaminated, demolished, or disposed of shall use the
9 services of an authorized contractor unless otherwise authorized by the
10 local health officer. The contractor and property owner shall prepare
11 and submit a written work plan for decontamination, demolition, or
12 disposal to the local health officer. The local health officer may
13 charge a reasonable fee for review of the work plan. If the work plan
14 is approved and the decontamination, demolition, or disposal is
15 completed and the property is retested according to the plan and
16 properly documented, then the health officer shall allow reuse of the
17 property. A release for reuse document shall be recorded in the real
18 property records indicating the property has been decontaminated,
19 demolished, or disposed of in accordance with rules of the state

1 department of health. The property owner is responsible for: (a) The
2 costs of any property testing which may be required to demonstrate the
3 presence or absence of hazardous chemicals; and (b) the costs of the
4 property's decontamination, demolition, and disposal expenses, as well
5 as costs incurred by the local health officer resulting from the
6 enforcement of this chapter.

7 (2)(a) In a case where the contaminated property is a motor vehicle
8 as defined in RCW 46.04.320, a vehicle as defined in RCW 46.04.670, or
9 a vessel as defined in RCW 88.02.010, and methamphetamine or any of its
10 salts, isomers, and salts of isomers were found inside, and the local
11 health officer has issued an order declaring the property unfit and
12 prohibiting its use, the city or county in which the property is
13 located shall take action to prohibit use, occupancy, or removal, and
14 shall require demolition, disposal, or decontamination of the property.
15 The city, county, or local law enforcement agency may impound the
16 vehicle to enforce this chapter. The owner of the property shall have
17 the property demolished, disposed of, or decontaminated by an
18 authorized contractor, or under a written work plan approved by the
19 local health officer, within thirty days of receiving the order
20 declaring the property unfit, and prohibited from use. After all
21 procedures granting the right of notice and the opportunity to appeal
22 in RCW 64.44.030 have been exhausted, if the property owner has not
23 demolished, disposed of, or decontaminated the property pursuant to a
24 written work plan approved by the local health officer within thirty
25 days, then the local health officer or the local law enforcement agency
26 may demolish, dispose of, or decontaminate the property.

27 (b) The property owner is responsible for the costs of the
28 property's demolition, disposal, or decontamination, as well as all
29 costs incurred by the local health officer or the local law enforcement
30 agency resulting from the enforcement of this chapter. However, when
31 the local health officer or the local law enforcement agency are
32 required to demolish, dispose of, or decontaminate the property, and
33 have incurred costs to do so, all right to title to that property shall
34 be transferred to the local health officer or the local law enforcement
35 agency.

36 (3) Except as provided in subsection (2) of this section, the local
37 health officer has thirty days from the issuance of an order declaring
38 a property unfit and prohibiting its use to establish a reasonable

1 timeline for decontamination. The department of health shall establish
2 the factors to be considered by the local health officer in
3 establishing the appropriate amount of time.

4 The local health officer shall notify the property owner of the
5 proposed time frame by United States mail to the last known address.
6 Notice shall be postmarked no later than the thirtieth day from the
7 issuance of the order. The property owner may request a modification
8 of the time frame by submitting a letter identifying the circumstances
9 which justify such an extension to the local health officer within
10 thirty-five days of the date of the postmark on the notification
11 regardless of when received.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 64.44 RCW
13 to read as follows:

14 (1) It shall be unlawful for any person to advertise for sale or to
15 sell a motor vehicle as defined in RCW 46.04.320, a vehicle as defined
16 in RCW 46.04.670, or a vessel as defined in RCW 88.02.010 that has been
17 declared unfit and prohibited from use under this chapter if the person
18 has knowledge that the vehicle or vessel has been found to be
19 contaminated with methamphetamine or any of its salts, isomers, and
20 salts of isomers.

21 (2) The Washington state department of licensing shall take action
22 to place notification on the title of any motor vehicle as defined in
23 RCW 46.04.320, a vehicle as defined in RCW 46.04.670, or a vessel as
24 defined in RCW 88.02.010, that the vehicle or vessel has been declared
25 unfit and prohibited from use by order of the local health officer
26 under this chapter. When satisfactory decontamination has been
27 completed and the contaminated property has been retested according to
28 the written work plan approved by the local health officer, a release
29 for reuse document shall be issued by the local health officer, and the
30 department shall place notification on the title of that vehicle or
31 vessel as having been decontaminated and released for reuse.

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