
SENATE BILL 5312

State of Washington

60th Legislature

2007 Regular Session

By Senators Tom, Holmquist, Kline, Roach, Kilmer, Marr, Sheldon, Morton, Pridemore, McCaslin, Berkey, Delvin, Shin, Rasmussen, Parlette and Stevens

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1 AN ACT Relating to protecting and recovering property owned by
2 utilities, telecommunications companies, railroads, state agencies,
3 political subdivisions of the state, construction firms, and other
4 parties; amending RCW 19.60.020 and 19.60.085; reenacting and amending
5 RCW 19.60.066; adding new sections to chapter 19.60 RCW; creating a new
6 section; repealing RCW 9.91.110; prescribing penalties; and declaring
7 an emergency.

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

9 NEW SECTION. **Sec. 1.** (1) The legislature finds:

10 (a) In 1984, laws governing the business activities of pawnbrokers
11 under chapter 19.60 RCW were substantially amended to increase their
12 responsibilities with respect to processing and handling property,
13 especially stolen property. These expanded laws were also applied for
14 the first time to second-hand dealers and transactions involving "metal
15 junk," but in 1985, further revisions to chapter 19.60 RCW exempted
16 transactions involving "metal junk" from the requirements of those
17 laws;

18 (b) From time to time, copper, aluminum, steel, and other metal

1 commodity prices rise to a level that the theft of metal property
2 increases, and these crimes are often associated with other ones;

3 (c) Metal property that is stolen may often still be used in its
4 original form, but it may be melted or its condition otherwise altered
5 to disguise its source in order to facilitate its sale to a second-hand
6 dealer;

7 (d) Second-hand dealers may serve as a conduit for the disposition
8 of stolen metal property, the liquidation of which may finance
9 additional illicit activities, such as the manufacture of
10 methamphetamine; and

11 (e) Laws governing the transactions of pawnbrokers and second-hand
12 dealers have been subject to varying interpretation and application
13 across the state and have not proven adequate to discourage the theft
14 of metal property, which pawnbrokers and second-hand dealers may too
15 readily consider to be "metal junk," and which thereby would not be
16 subject to the requirements of chapter 19.60 RCW.

17 (2) The legislature declares that:

18 (a) Because the current exemption of transactions involving "metal
19 junk" from the requirements of chapter 19.60 RCW has enabled the theft
20 of stolen metal property, that exemption must be removed;

21 (b) Uniform interpretation and enforcement of the laws governing
22 pawnbrokers and second-hand dealers can be facilitated through precise
23 clarification of the current law, and such changes in the law should
24 discourage those who steal metal properties from seeking the most
25 lenient jurisdiction in which to sell their stolen property; and

26 (c) Provisions must be made to ensure the appropriate documentation
27 of transactions to assist law enforcement agencies to identify,
28 recover, and return stolen property to its owner and to ensure, as
29 reasonably as possible, that pawnbrokers and second-hand dealers are
30 less likely to be used as conduits for the liquidation and disposal of
31 stolen metal property.

32 **Sec. 2.** RCW 19.60.020 and 1991 c 323 s 2 are each amended to read
33 as follows:

34 (1) Every pawnbroker and second-hand dealer doing business in this
35 state shall maintain wherever that business is conducted a record in
36 which shall be legibly written in the English language, at the time of
37 each transaction the following information:

- 1 (a) The signature of the person with whom the transaction is made;
2 (b) The date of the transaction;
3 (c) The name of the person or employee or the identification number
4 of the person or employee conducting the transaction, as required by
5 the applicable chief of police or the county's chief law enforcement
6 officer;
7 (d) The name, date of birth, sex, height, weight, race, ~~((and))~~
8 home address, driver's license number, and telephone number, including
9 cell phone number, of the person with whom the transaction is made;
10 (e) The name, address, and telephone number, if any, of the
11 employer of the person with whom the transaction is made;
12 (f) A description of any motor vehicle and the license number of
13 the motor vehicle used in the delivery of the property;
14 (g) A complete description of the property pledged, bought, or
15 consigned, including the brand name, serial number, model number or
16 name, any initials or engraving, size, pattern, and color or stone or
17 stones, and in the case of firearms, the caliber, barrel length, type
18 of action, and whether it is a pistol, rifle, or shotgun;
19 ~~((f))~~ (h) The price paid or the amount loaned;
20 ~~((g))~~ (i) The type and identifying number of identification used
21 by the person with whom the transaction was made, which shall consist
22 of a valid drivers license or identification card issued by any state
23 or two pieces of identification issued by a governmental agency, one of
24 which shall be descriptive of the person identified. At all times, one
25 piece of current government issued picture identification will be
26 required; and
27 ~~((h))~~ (j) The nature of the transaction, a number identifying the
28 transaction, the store identification as designated by the applicable
29 law enforcement agency, or the name and address of the business and the
30 name of the person or employee, conducting the transaction, and the
31 location of the property.

32 (2) This record must include a photocopy of the identification
33 required under this section.

34 (3) This record shall at all times during the ordinary hours of
35 business, or at reasonable times if ordinary hours of business are not
36 kept, be open to the inspection of any commissioned law enforcement
37 officer of the state or any of its political subdivisions, and shall be

1 maintained wherever that business is conducted for three years
2 following the date of the transaction.

3 **Sec. 3.** RCW 19.60.085 and 2000 c 171 s 56 are each amended to read
4 as follows:

5 The provisions of this chapter do not apply to transactions
6 conducted by the following:

7 (1) Motor vehicle dealers licensed under chapter 46.70 RCW;

8 (2) Vehicle wreckers or hulk haulers licensed under chapter 46.79
9 or 46.80 RCW;

10 (3) Persons in the business of operating an automotive repair
11 facility as defined under RCW 46.71.011;

12 (4) Persons giving an allowance for the trade-in or exchange of
13 second-hand property on the purchase of other merchandise of the same
14 kind of greater value; and

15 ~~((4))~~ (5) Persons in the business of buying or selling empty food
16 and beverage containers ~~((or metal))~~, including metal food and beverage
17 containers, or nonmetal junk.

18 **Sec. 4.** RCW 19.60.066 and 1991 c 355 s 21 and 1991 c 323 s 10 are
19 each reenacted and amended to read as follows:

20 It is a gross misdemeanor under chapter 9A.20 RCW for:

21 (1) Any person to remove, alter, or obliterate any manufacturer's
22 make, model, or serial number, personal identification number, or
23 identifying marks engraved or etched upon an item of personal property
24 that was purchased, consigned, or received in pledge. In addition an
25 item shall not be accepted for pledge or a second-hand purchase where
26 the manufacturer's make, model, or serial number, personal
27 identification number, or identifying marks engraved or etched upon an
28 item of personal property has been removed, altered, or obliterated;

29 (2) Any person to knowingly make, cause, or allow to be made any
30 false entry or misstatement of any material matter in any book, record,
31 or writing required to be kept under this chapter;

32 (3) Any pawnbroker or second-hand dealer to receive any property
33 from any person under the age of eighteen years, any person under the
34 influence of intoxicating liquor or drugs, or any person known to the
35 pawnbroker or second-hand dealer as having been convicted of burglary,
36 robbery, theft, or possession of or receiving stolen property.

1 manufacturing, delivering, or possessing with intent to deliver
2 methamphetamine, or possession of ephedrine or any of its salts or
3 isomers or salts of isomers, pseudoephedrine or any of its salts or
4 isomers or salts of isomers, or anhydrous ammonia with intent to
5 manufacture methamphetamine within the past ten years whether the
6 person is acting in his or her own behalf or as the agent of another;

7 (4) Any pawnbroker to engage in the business of cashing or selling
8 checks, drafts, money orders, or other commercial paper serving the
9 same purpose unless the pawnbroker complies with the provisions of
10 chapter 31.45 RCW; ((~~or~~))

11 (5) Any person to sign the notice required under section 5 of this
12 act knowing that the property subject to the transaction is stolen.
13 The signature of a person on the notice required under section 5 of
14 this act constitutes evidence of intent to defraud a pawnbroker or
15 second-hand dealer if that person is found to have known that the
16 property subject to the transaction was stolen; or

17 (6) Any person to violate knowingly any other provision of this
18 chapter.

19 NEW SECTION. Sec. 5. A new section is added to chapter 19.60 RCW
20 to read as follows:

21 (1) For every transaction that involves property valued at more
22 than one hundred dollars, every pawnbroker and second-hand dealer doing
23 business in the state shall require the party with whom a transaction
24 may be made to sign a declaration. The declaration must be provided as
25 a document separate from any other documents relating to a transaction
26 and must be printed in type that is bold face, capitalized, underlined,
27 or otherwise presented in a conspicuous manner. The declaration must
28 state substantially the following:

29 "I, the undersigned, affirm under penalty of law that the property
30 that is subject to this transaction is not to the best of my knowledge
31 stolen property."

32 (2) The declaration must include, in the seller's own handwriting,
33 identification of the source of the property that is subject to the
34 transaction.

35 (3) The declaration must be signed and dated by the person with
36 whom the transaction is being made.

1 (4) The pawnbroker or second-hand dealer or his or her employee
2 must witness the signing and dating of the declaration and sign the
3 declaration accordingly before any transaction may be consummated.

4 (5) A copy of the signed declaration must be open to inspection by
5 any commissioned law enforcement officer of the state or any of its
6 political subdivisions, at all times during the ordinary hours of
7 business, or at reasonable times if ordinary hours of business are not
8 kept, and shall be maintained wherever that business is conducted for
9 three years following the date of the transaction.

10 NEW SECTION. **Sec. 6.** A new section is added to chapter 19.60 RCW
11 to read as follows:

12 (1) Every pawnbroker or second-hand dealer doing business in the
13 state must retain metal property, including melted metals, metal junk,
14 and metal that is still useful in its original form, for no less than
15 thirty days after the transaction involving that property was made.

16 (2) Transactions involving metal property, including melted metals,
17 metal junk, and metal that is still useful in its original form, may
18 not be made in cash. The person with whom the transaction is made must
19 be paid by check, mailed to an address provided under RCW 19.60.020, no
20 earlier than thirty days after the transaction was made.

21 (3) A transaction is deemed to have been made on the date provided
22 in the documentation required under RCW 19.60.020.

23 NEW SECTION. **Sec. 7.** RCW 9.91.110 (Metal buyers--Records of
24 purchases--Penalty) and 1971 ex.s. c 302 s 18 are each repealed.

25 NEW SECTION. **Sec. 8.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected.

29 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
30 preservation of the public peace, health, or safety, or support of the
31 state government and its existing public institutions, and takes effect
32 immediately.

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