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

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

NEW SECTION. Sec. 1. (1) The legislature finds:
(a) In 1984, laws governing the business activities of pawnbrokers under chapter 19.60 RCW were substantially amended to increase their responsibilities with respect to processing and handling property, especially stolen property. These expanded laws were also applied for the first time to second-hand dealers and transactions involving "metal junk," but in 1985, further revisions to chapter 19.60 RCW exempted transactions involving "metal junk" from the requirements of those laws;
(b) From time to time, copper, aluminum, steel, and other metal
commodity prices rise to a level that the theft of metal property
increases, and these crimes are often associated with other ones;
(c) Metal property that is stolen may often still be used in its
original form, but it may be melted or its condition otherwise altered
to disguise its source in order to facilitate its sale to a second-hand
dealer;
(d) Second-hand dealers may serve as a conduit for the disposition
of stolen metal property, the liquidation of which may finance
additional illicit activities, such as the manufacture of
methamphetamine; and
(e) Laws governing the transactions of pawnbrokers and second-hand
dealers have been subject to varying interpretation and application
across the state and have not proven adequate to discourage the theft
of metal property, which pawnbrokers and second-hand dealers may too
readily consider to be "metal junk," and which thereby would not be
subject to the requirements of chapter 19.60 RCW.
(2) The legislature declares that:
(a) Because the current exemption of transactions involving "metal
junk" from the requirements of chapter 19.60 RCW has enabled the theft
of stolen metal property, that exemption must be removed;
(b) Uniform interpretation and enforcement of the laws governing
pawnbrokers and second-hand dealers can be facilitated through precise
clarification of the current law, and such changes in the law should
discourage those who steal metal properties from seeking the most
lenient jurisdiction in which to sell their stolen property; and
(c) Provisions must be made to ensure the appropriate documentation
of transactions to assist law enforcement agencies to identify,
recover, and return stolen property to its owner and to ensure, as
reasonably as possible, that pawnbrokers and second-hand dealers are
less likely to be used as conduits for the liquidation and disposal of
stolen metal property.

Sec. 2. RCW 19.60.020 and 1991 c 323 s 2 are each amended to read
as follows:
(1) Every pawnbroker and second-hand dealer doing business in this
state shall maintain wherever that business is conducted a record in
which shall be legibly written in the English language, at the time of
each transaction the following information:
(a) The signature of the person with whom the transaction is made;
(b) The date of the transaction;
(c) The name of the person or employee or the identification number of the person or employee conducting the transaction, as required by the applicable chief of police or the county's chief law enforcement officer;
(d) The name, date of birth, sex, height, weight, race, home address, driver's license number, and telephone number, including cell phone number, of the person with whom the transaction is made;
(e) The name, address, and telephone number, if any, of the employer of the person with whom the transaction is made;
(f) A description of any motor vehicle and the license number of the motor vehicle used in the delivery of the property;
(g) A complete description of the property pledged, bought, or consigned, including the brand name, serial number, model number or name, any initials or engraving, size, pattern, and color or stone or stones, and in the case of firearms, the caliber, barrel length, type of action, and whether it is a pistol, rifle, or shotgun;
(h) The price paid or the amount loaned;
(i) The type and identifying number of identification used by the person with whom the transaction was made, which shall consist of a valid drivers license or identification card issued by any state or two pieces of identification issued by a governmental agency, one of which shall be descriptive of the person identified. At all times, one piece of current government issued picture identification will be required; and
(j) The nature of the transaction, a number identifying the transaction, the store identification as designated by the applicable law enforcement agency, or the name and address of the business and the name of the person or employee, conducting the transaction, and the location of the property.

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

(3) This record shall at all times during the ordinary hours of business, or at reasonable times if ordinary hours of business are not kept, be open to the inspection of any commissioned law enforcement officer of the state or any of its political subdivisions, and shall be
maintained wherever that business is conducted for three years following the date of the transaction.

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

The provisions of this chapter do not apply to transactions conducted by the following:
1. Motor vehicle dealers licensed under chapter 46.70 RCW;
2. Vehicle wreckers or hulk haulers licensed under chapter 46.79 or 46.80 RCW;
3. **Persons in the business of operating an automotive repair facility as defined under RCW 46.71.011;**
4. **Persons giving an allowance for the trade-in or exchange of second-hand property on the purchase of other merchandise of the same kind of greater value; and**
5. **Persons in the business of buying or selling empty food and beverage containers ((or metal)), including metal food and beverage containers, or nonmetal junk.**

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

It is a gross misdemeanor under chapter 9A.20 RCW for:
1. Any person to remove, alter, or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of personal property that was purchased, consigned, or received in pledge. In addition an item shall not be accepted for pledge or a second-hand purchase where the manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of personal property has been removed, altered, or obliterated;
2. Any person to knowingly make, cause, or allow to be made any false entry or misstatement of any material matter in any book, record, or writing required to be kept under this chapter;
3. Any pawnbroker or second-hand dealer to receive any property from any person under the age of eighteen years, any person under the influence of intoxicating liquor or drugs, or any person known to the pawnbroker or second-hand dealer as having been convicted of burglary, robbery, theft, or possession of or receiving stolen property.
manufacturing, delivering, or possessing with intent to deliver methamphetamine, or possession of ephedrine or any of its salts or isomers or salts of isomers, pseudoephedrine or any of its salts or isomers or salts of isomers, or anhydrous ammonia with intent to manufacture methamphetamine within the past ten years whether the person is acting in his or her own behalf or as the agent of another;

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

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

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

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

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

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

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

(3) The declaration must be signed and dated by the person with whom the transaction is being made.
(4) The pawnbroker or second-hand dealer or his or her employee
must witness the signing and dating of the declaration and sign the
declaration accordingly before any transaction may be consummated.

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

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

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

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

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

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

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

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

--- END ---