

SB 5312 - DIGEST

(SUBSTITUTED FOR - SEE 1ST SUB)

Declares that: (1) 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;

(2) 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

(3) 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.

Requires that, 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.

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

Requires the declaration to be signed and dated by the person with whom the transaction is being made.

Requires the pawnbroker or second-hand dealer or his or her employee to witness the signing and dating of the declaration and sign the declaration accordingly before any transaction may be consummated.

Requires a copy of the signed declaration to 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.

Provides that 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.

Repeals RCW 9.91.110.