

SHB 1552 - H AMD 220

By Representative Goodman

ADOPTED 03/09/2013

1 On page 7, after line 9, insert the following:

2 "Sec. 7. RCW 19.290.050 and 2008 c 233 s 5 are each amended to
3 read as follows:

4 (1) Upon written request by any commissioned law enforcement
5 officer of the state or any of its political subdivisions, every scrap
6 metal business shall furnish a full, true, and correct transcript of
7 the records from the purchase or receipt of private metal property,
8 nonferrous metal property, and commercial metal property involving a
9 specific individual, vehicle, or item of private metal property,
10 nonferrous metal property, or commercial metal property. Any written
11 request shall become an addition to the permanent records required
12 under RCW 19.290.020 or 19.290.040. This information may be
13 transmitted within a specified time of not less than two business days
14 to the applicable law enforcement agency electronically, by facsimile
15 transmission, or by modem or similar device, or by delivery of computer
16 disk subject to the requirements of, and approval by, the chief of
17 police or the county's chief law enforcement officer.

18 (2) If the scrap metal business has good cause to believe that any
19 private metal property, nonferrous metal property, or commercial metal
20 property in his or her possession has been previously lost or stolen,
21 the scrap metal business shall promptly report that fact to the
22 applicable commissioned law enforcement officer of the state, the chief
23 of police, or the county's chief law enforcement officer, together with
24 the name of the owner, if known, and the date when and the name of the
25 person from whom it was received.

26 (3) Compliance with this section shall not give rise to or form the
27 basis of private civil liability on the part of a scrap metal business
28 or scrap metal recycler.

1 **Sec. 8.** RCW 19.290.060 and 2008 c 233 s 6 are each amended to read
2 as follows:

3 (1) Following notification(~~(, either verbally or)~~) in writing(~~(,)~~)
4 from a commissioned law enforcement officer of the state or any of its
5 political subdivisions that an item of private metal property,
6 nonferrous metal property, or commercial metal property has been
7 reported as stolen, a scrap metal business shall hold that property
8 intact and safe from alteration, damage, or commingling, and shall
9 place an identifying tag or other suitable identification upon the
10 property. The scrap metal business shall hold the property for a
11 period of time as directed by the applicable law enforcement agency up
12 to a maximum of ten business days.

13 (2) A commissioned law enforcement officer of the state or any of
14 its political subdivisions shall not place on hold any item of private
15 metal property, nonferrous metal property, or commercial metal property
16 unless that law enforcement agency reasonably suspects that the
17 property is a lost or stolen item. Any hold that is placed on the
18 property must be removed within ten business days after the property on
19 hold is determined not to be stolen or lost and the property must be
20 returned to the owner or released."

21 Renumber the remaining sections consecutively and correct any
22 internal references accordingly.

23 On page 8, line 21, after "statement" insert "or"

24 On page 8, beginning on line 22, after "identification," strike all
25 material through "metal" on line 23 and insert "with the intent to
26 deceive a scrap metal business"

27 On page 8, after line 24, insert the following:

28 "**Sec. 8.** RCW 19.290.090 and 2008 c 233 s 8 are each amended to
29 read as follows:

30 The provisions of this chapter do not apply to transactions
31 involving metal from the components of vehicles acquired by vehicle
32 wreckers, hulk haulers, or scrap processors licensed under chapter

1 46.79 or 46.80 RCW, and acquired in accordance with those laws or
2 transactions conducted by the following:

- 3 (1) Motor vehicle dealers licensed under chapter 46.70 RCW;
4 (2) ~~((Metal from the components of vehicles acquired by vehicle~~
5 ~~wreckers or hulk haulers licensed under chapter 46.79 or 46.80 RCW, and~~
6 ~~acquired in accordance with those laws;~~
7 ~~(3))~~) Persons in the business of operating an automotive repair
8 facility as defined under RCW 46.71.011; and
9 ~~((4))~~ (3) Persons in the business of buying or selling empty food
10 and beverage containers, including metal food and beverage containers."

11 Renumber the remaining sections consecutively and correct any
12 internal references accordingly.

13 On page 17, beginning on line 5, strike all of section 22

14 Renumber the remaining sections consecutively and correct any
15 internal references accordingly.

16 On page 39, after line 17, insert the following:

17 "NEW SECTION. Sec. 34. Sections 8 through 19 of this act take
18 effect January 1, 2014.

19 NEW SECTION. Sec. 35. The director of the department of licensing
20 may take the necessary steps to ensure that sections 8 through 19 of
21 this act are implemented on January 1, 2014."

22 Correct the title.

EFFECT: (1) Delays implementation of the licensing program until
January 1, 2014.

(2) Requires that law enforcement requests to scrap metal
businesses to hold potentially stolen metal property or produce
transaction records be in writing.

(3) Provides that scrap metal businesses shall not be civilly
liable for complying with law enforcement record requests.

(4) Exempts metal from vehicles owned by scrap processors from the provisions of the act.

(5) Removes duplicative language and makes clarifying changes.

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