

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1552

63rd Legislature
2013 Regular Session

Passed by the House January 1, 0001
Yeas 0 Nays 0

Speaker of the House of Representatives

Passed by the Senate January 1, 0001
Yeas 0 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1552** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1552

AS AMENDED BY THE SENATE

Passed Legislature - 2013 Regular Session

State of Washington 63rd Legislature 2013 Regular Session

By House Public Safety (originally sponsored by Representatives Goodman, Klippert, Freeman, Kirby, Morrell, Seaquist, Sullivan, Appleton, Ryu, Hunt, Stanford, Kochmar, Maxwell, Takko, Bergquist, Warnick, Manweller, Green, and Fey)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to the reduction of metal theft; amending RCW
2 9A.48.100, 9A.56.030, 9A.56.040, 19.290.010, 19.290.020, 19.290.030,
3 19.290.040, 19.290.050, 19.290.060, 19.290.070, 19.290.090, 18.235.020,
4 and 43.24.150; reenacting and amending RCW 9.94A.515; adding new
5 sections to chapter 19.290 RCW; adding a new section to chapter 36.28A
6 RCW; adding new sections to chapter 43.43 RCW; creating new sections;
7 prescribing penalties; and providing an effective date.

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

9 **Sec. 1.** RCW 9A.48.100 and 1984 c 273 s 4 are each amended to read
10 as follows:

11 For the purposes of RCW 9A.48.070 through 9A.48.090 inclusive:

12 (1) "Physical damage", in addition to its ordinary meaning, shall
13 include the total or partial alteration, damage, obliteration, or
14 erasure of records, information, data, computer programs, or their
15 computer representations, which are recorded for use in computers or
16 the impairment, interruption, or interference with the use of such
17 records, information, data, or computer programs, or the impairment,
18 interruption, or interference with the use of any computer or services

1 provided by computers. "Physical damage" also includes any diminution
2 in the value of any property as the consequence of an act and the cost
3 to repair any physical damage;

4 (2) If more than one item of property is physically damaged as a
5 result of a common scheme or plan by a person and the physical damage
6 to the property would, when considered separately, constitute mischief
7 in the third degree because of value, then the value of the damages may
8 be aggregated in one count. If the sum of the value of all the
9 physical damages exceeds two hundred fifty dollars, the defendant may
10 be charged with and convicted of malicious mischief in the second
11 degree.

12 **Sec. 2.** RCW 9A.56.030 and 2012 c 233 s 2 are each amended to read
13 as follows:

14 (1) A person is guilty of theft in the first degree if he or she
15 commits theft of:

16 (a) Property or services which exceed(s) five thousand dollars in
17 value other than a firearm as defined in RCW 9.41.010;

18 (b) Property of any value, other than a firearm as defined in RCW
19 9.41.010 or a motor vehicle, taken from the person of another;

20 (c) A search and rescue dog, as defined in RCW 9.91.175, while the
21 search and rescue dog is on duty; or

22 (d) Commercial metal ((~~wire, taken from a public service company,~~
23 ~~as defined in RCW 80.04.010, or a consumer-owned utility, as defined in~~
24 ~~RCW 19.280.020,))~~ property, nonferrous metal property, or private metal
25 property, as those terms are defined in RCW 19.290.010, and the costs
26 of the damage to the ((~~public service company's or consumer-owned~~
27 ~~utility's~~)) owner's property exceed five thousand dollars in value.

28 (2) Theft in the first degree is a class B felony.

29 **Sec. 3.** RCW 9A.56.040 and 2012 c 233 s 3 are each amended to read
30 as follows:

31 (1) A person is guilty of theft in the second degree if he or she
32 commits theft of:

33 (a) Property or services which exceed(s) seven hundred fifty
34 dollars in value but does not exceed five thousand dollars in value,
35 other than a firearm as defined in RCW 9.41.010 or a motor vehicle;

1 (b) A public record, writing, or instrument kept, filed, or
2 deposited according to law with or in the keeping of any public office
3 or public servant;

4 (c) Commercial metal (~~((wire, taken from a public service company,~~
5 ~~as defined in RCW 80.04.010, or a consumer-owned utility, as defined in~~
6 ~~RCW 19.280.020,))~~ property, nonferrous metal property, or private metal
7 property, as those terms are defined in RCW 19.290.010, and the costs
8 of the damage to the (~~(public service company's or consumer-owned~~
9 ~~utility's))~~ owner's property exceed seven hundred fifty dollars but
10 does not exceed five thousand dollars in value; or

11 (d) An access device.

12 (2) Theft in the second degree is a class C felony.

13 **Sec. 4.** RCW 19.290.010 and 2008 c 233 s 1 are each amended to read
14 as follows:

15 The definitions in this section apply throughout this chapter
16 unless the context clearly requires otherwise.

17 (1) "Commercial account" means a relationship between a scrap metal
18 business and a commercial enterprise that is ongoing and properly
19 documented under RCW 19.290.030.

20 (2) "Commercial enterprise" means a corporation, partnership,
21 limited liability company, association, state agency, political
22 subdivision of the state, public corporation, or any other legal or
23 commercial entity.

24 (3) "Commercial metal property" means: Utility access covers;
25 street light poles and fixtures; road and bridge guardrails; highway or
26 street signs; water meter covers; traffic directional and control
27 signs; traffic light signals; any metal property marked with the name
28 of a commercial enterprise, including but not limited to a telephone,
29 commercial mobile radio services, cable, electric, water, natural gas,
30 or other utility, or railroad; unused or undamaged building
31 construction materials consisting of copper pipe, tubing, or wiring, or
32 aluminum wire, siding, downspouts, or gutters; aluminum or stainless
33 steel fence panels made from one inch tubing, forty-two inches high
34 with four-inch gaps; aluminum decking, bleachers, or risers; historical
35 markers; statue plaques; grave markers and funeral vases; or
36 agricultural irrigation wheels, sprinkler heads, and pipes.

1 (4) "Nonferrous metal property" means metal property for which the
2 value of the metal property is derived from the property's content of
3 copper, brass, aluminum, bronze, lead, zinc, nickel, and their alloys.
4 "Nonferrous metal property" does not include precious metals.

5 (5) "Precious metals" means gold, silver, and platinum.

6 (6) "Private metal property" means catalytic converters, either
7 singly or in bundles, bales, or bulk, that have been removed from
8 vehicles for sale as a specific commodity.

9 (7) "Record" means a paper, electronic, or other method of storing
10 information.

11 (8) "Scrap metal business" means a scrap metal supplier, scrap
12 metal (~~(recycling center)~~) recycler, and scrap metal processor.

13 (9) "Scrap metal processor" means a person with a current business
14 license that conducts business from a permanent location, that is
15 engaged in the business of purchasing or receiving private metal
16 property, nonferrous metal property, and commercial metal property for
17 the purpose of altering the metal in preparation for its use as
18 feedstock in the manufacture of new products, and that maintains a
19 hydraulic bailer, shearing device, or shredding device for recycling.

20 (10) "Scrap metal (~~(recycling center)~~) recycler" means a person
21 with a current business license that is engaged in the business of
22 purchasing or receiving private metal property, nonferrous metal
23 property, and commercial metal property for the purpose of aggregation
24 and sale to another scrap metal business and that maintains a fixed
25 place of business within the state.

26 (11) "Scrap metal supplier" means a person with a current business
27 license that is engaged in the business of purchasing or receiving
28 private metal property or nonferrous metal property for the purpose of
29 aggregation and sale to a scrap metal (~~(recycling center)~~) recycler or
30 scrap metal processor and that does not maintain a fixed business
31 location in the state.

32 (12) "Transaction" means a pledge, or the purchase of, or the trade
33 of any item of private metal property or nonferrous metal property by
34 a scrap metal business from a member of the general public.
35 "Transaction" does not include donations or the purchase or receipt of
36 private metal property or nonferrous metal property by a scrap metal
37 business from a commercial enterprise, from another scrap metal

1 business, or from a duly authorized employee or agent of the commercial
2 enterprise or scrap metal business.

3 (13) "Engage in business" means conducting more than twelve
4 transactions in a twelve-month period.

5 (14) "Person" means an individual, domestic or foreign corporation,
6 limited liability corporation, partnership, trust, unincorporated
7 association, or other entity; an affiliate or associate of any such
8 person; or any two or more persons acting as a partnership, syndicate,
9 or other group for the purpose of acquiring, holding, or dispersing of
10 securities of a domestic or foreign corporation.

11 **Sec. 5.** RCW 19.290.020 and 2008 c 233 s 2 are each amended to read
12 as follows:

13 (1) At the time of a transaction, every scrap metal business doing
14 business in this state shall produce wherever that business is
15 conducted an accurate and legible record of each transaction involving
16 private metal property or nonferrous metal property. This record must
17 be written in the English language, documented on a standardized form
18 or in electronic form, and contain the following information:

19 (a) The signature of the person with whom the transaction is made;

20 (b) The time, date, location, and value of the transaction;

21 (c) The name of the employee representing the scrap metal business
22 in the transaction;

23 (d) The name, street address, and telephone number of the person
24 with whom the transaction is made;

25 (e) The license plate number and state of issuance of the license
26 plate on the motor vehicle used to deliver the private metal property
27 or nonferrous metal property subject to the transaction;

28 (f) A description of the motor vehicle used to deliver the private
29 metal property or nonferrous metal property subject to the transaction;

30 (g) The current driver's license number or other government-issued
31 picture identification card number of the seller or a copy of the
32 seller's government-issued picture identification card; and

33 (h) A description of the predominant types of private metal
34 property or nonferrous metal property subject to the transaction,
35 (~~including the property's classification code as provided in~~)
36 utilizing the institute of scrap recycling industries' (~~scrap~~

1 ~~specifications circular, 2006))~~ generally accepted terminology, and
2 including weight, quantity, or volume.

3 (2) For every transaction that involves private metal property or
4 nonferrous metal property, every scrap metal business doing business in
5 the state shall require the person with whom a transaction is being
6 made to sign a declaration. The declaration may be included as part of
7 the transactional record required under subsection (1) of this section,
8 or on a receipt for the transaction. The declaration must state
9 substantially the following:

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

13 The declaration must be signed and dated by the person with whom
14 the transaction is being made. An employee of the scrap metal business
15 must witness the signing and dating of the declaration and sign the
16 declaration accordingly before any transaction may be consummated.

17 (3) The record and declaration required under this section must be
18 open to the inspection of any commissioned law enforcement officer of
19 the state or any of its political subdivisions at all times during the
20 ordinary hours of business, or at reasonable times if ordinary hours of
21 business are not kept, and must be maintained wherever that business is
22 conducted for ~~((one))~~ five years following the date of the transaction.

23 **Sec. 6.** RCW 19.290.030 and 2008 c 233 s 3 are each amended to read
24 as follows:

25 (1) No scrap metal business may enter into a transaction to
26 purchase or receive private metal property or nonferrous metal property
27 from any person who cannot produce at least one piece of current
28 government-issued picture identification, including a valid driver's
29 license or identification card issued by any state.

30 (2) No scrap metal business may purchase or receive private metal
31 property or commercial metal property unless the seller: (a) Has a
32 commercial account with the scrap metal business; (b) can prove
33 ownership of the property by producing written documentation that the
34 seller is the owner of the property; or (c) can produce written
35 documentation that the seller is an employee or agent authorized to
36 sell the property on behalf of a commercial enterprise.

1 (3) No scrap metal business may enter into a transaction to
2 purchase or receive metallic wire that was burned in whole or in part
3 to remove insulation unless the seller can produce written proof to the
4 scrap metal business that the wire was lawfully burned.

5 (4)(a) No transaction involving private metal property or
6 nonferrous metal property (~~valued at greater than thirty dollars~~) may
7 be made in cash or with any person who does not provide a street
8 address under the requirements of RCW 19.290.020 except as described in
9 (b) of this subsection. (~~For transactions valued at greater than~~
10 ~~thirty dollars,~~) The person with whom the transaction is being made
11 may only be paid by a nontransferable check, mailed by the scrap metal
12 business to a street address provided under RCW 19.290.020, no earlier
13 than (~~ten~~) three days after the transaction was made. A transaction
14 occurs on the date provided in the record required under RCW
15 19.290.020.

16 (b) A scrap metal business that is in compliance with this chapter
17 that digitally captures: (i) A copy of one piece of current
18 government-issued picture identification, including a current driver's
19 license or identification card issued by any state and (ii) either a
20 picture or video of either the material subject to the transaction in
21 the form received or the material subject to the transaction within the
22 vehicle which the material was transported to the scrap metal business,
23 may pay up to a maximum of thirty dollars in cash, stored value device,
24 or electronic funds transfer. The balance of the value of the
25 transaction may be made by nontransferable check, stored value device,
26 or electronic funds transfer at the time the transaction is made. A
27 scrap metal business's usage of video surveillance shall be sufficient
28 to comply with this subsection (4)(b)(ii) as long as the video captures
29 the material subject to the transaction. A digital image or picture
30 taken under this subsection must be available for two years from the
31 date of transaction, while a video recording must be available for
32 thirty days.

33 (5) No scrap metal business may purchase or receive beer kegs from
34 anyone except a manufacturer of beer kegs or licensed brewery.

35 **Sec. 7.** RCW 19.290.040 and 2008 c 233 s 4 are each amended to read
36 as follows:

37 (1) Every scrap metal business must create and maintain a permanent

1 record with a commercial enterprise, including another scrap metal
2 business, in order to establish a commercial account. That record, at
3 a minimum, must include the following information:

4 (a) The full name of the commercial enterprise or commercial
5 account;

6 (b) The business address and telephone number of the commercial
7 enterprise or commercial account; and

8 (c) The full name of the person employed by the commercial
9 enterprise who is authorized to deliver private metal property,
10 nonferrous metal property, and commercial metal property to the scrap
11 metal business.

12 (2) The record maintained by a scrap metal business for a
13 commercial account must document every purchase or receipt of private
14 metal property, nonferrous metal property, and commercial metal
15 property from the commercial enterprise. The record must be maintained
16 for three years following the date of the transfer or receipt. The
17 documentation must include, at a minimum, the following information:

18 (a) The time, date, and value of the property being purchased or
19 received;

20 (b) A description of the predominant types of property being
21 purchased or received; and

22 (c) The signature of the person delivering the property to the
23 scrap metal business.

24 **Sec. 8.** RCW 19.290.050 and 2008 c 233 s 5 are each amended to read
25 as follows:

26 (1) Upon request by any commissioned law enforcement officer of the
27 state or any of its political subdivisions, every scrap metal business
28 shall furnish a full, true, and correct transcript of the records from
29 the purchase or receipt of private metal property, nonferrous metal
30 property, and commercial metal property involving only a (~~specific~~)
31 specified individual, vehicle, or item of private metal property,
32 nonferrous metal property, or commercial metal property. This
33 information may be transmitted within a specified time of not less than
34 two business days to the applicable law enforcement agency
35 electronically, by facsimile transmission, or by modem or similar
36 device, or by delivery of computer disk subject to the requirements of,

1 and approval by, the chief of police or the county's chief law
2 enforcement officer.

3 (2) Any records created or produced under this section are exempt
4 from disclosure under chapter 42.56 RCW.

5 (3) If the scrap metal business has good cause to believe that any
6 private metal property, nonferrous metal property, or commercial metal
7 property in his or her possession has been previously lost or stolen,
8 the scrap metal business shall promptly report that fact to the
9 applicable commissioned law enforcement officer of the state, the chief
10 of police, or the county's chief law enforcement officer, together with
11 the name of the owner, if known, and the date when and the name of the
12 person from whom it was received.

13 (4) Compliance with this section shall not give rise to or form the
14 basis of private civil liability on the part of a scrap metal business
15 or scrap metal recycler.

16 **Sec. 9.** RCW 19.290.060 and 2008 c 233 s 6 are each amended to read
17 as follows:

18 (1) Following notification(~~(, either verbally or)~~) in writing(~~(,)~~)
19 from a commissioned law enforcement officer of the state or any of its
20 political subdivisions that an item of private metal property,
21 nonferrous metal property, or commercial metal property has been
22 reported as stolen, a scrap metal business shall hold that property
23 intact and safe from alteration, damage, or commingling, and shall
24 place an identifying tag or other suitable identification upon the
25 property. The scrap metal business shall hold the property for a
26 period of time as directed by the applicable law enforcement agency up
27 to a maximum of ten business days.

28 (2) A commissioned law enforcement officer of the state or any of
29 its political subdivisions shall not place on hold any item of private
30 metal property, nonferrous metal property, or commercial metal property
31 unless that law enforcement agency reasonably suspects that the
32 property is a lost or stolen item. Any hold that is placed on the
33 property must be removed within ten business days after the property on
34 hold is determined not to be stolen or lost and the property must be
35 returned to the owner or released.

1 **Sec. 10.** RCW 19.290.070 and 2008 c 233 s 7 are each amended to
2 read as follows:

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

4 (1) Any person to deliberately remove, alter, or obliterate any
5 manufacturer's make, model, or serial number, personal identification
6 number, or identifying marks engraved or etched upon an item of private
7 metal property, nonferrous metal property, or commercial metal property
8 in order to deceive a scrap metal business;

9 (2) Any scrap metal business to enter into a transaction to
10 purchase or receive any private metal property, nonferrous metal
11 property, or commercial metal property where the manufacturer's make,
12 model, or serial number, personal identification number, or identifying
13 marks engraved or etched upon the property have been deliberately and
14 conspicuously removed, altered, or obliterated;

15 (3) Any person to knowingly make, cause, or allow to be made any
16 false entry or misstatement of any material matter in any book, record,
17 or writing required to be kept under this chapter;

18 (4) Any scrap metal business to enter into a transaction to
19 purchase or receive private metal property, nonferrous metal property,
20 or commercial metal property from any person under the age of eighteen
21 years or any person who is discernibly under the influence of
22 intoxicating liquor or drugs;

23 (5) Any scrap metal business to enter into a transaction to
24 purchase or receive private metal property, nonferrous metal property,
25 or commercial metal property with anyone whom the scrap metal business
26 has been informed by a law enforcement agency to have been convicted of
27 a crime involving drugs, burglary, robbery, theft, or possession of or
28 receiving stolen property, manufacturing, delivering, or possessing
29 with intent to deliver methamphetamine, or possession of ephedrine or
30 any of its salts or isomers or salts of isomers, pseudoephedrine or any
31 of its salts or isomers or salts of isomers, or anhydrous ammonia with
32 intent to manufacture methamphetamine within the past (~~ten~~) four
33 years whether the person is acting in his or her own behalf or as the
34 agent of another;

35 (6) Any person to sign the declaration required under RCW
36 19.290.020 knowing that the private metal property or nonferrous metal
37 property subject to the transaction is stolen. The signature of a
38 person on the declaration required under RCW 19.290.020 constitutes

1 evidence of intent to defraud a scrap metal business if that person is
2 found to have known that the private metal property or nonferrous metal
3 property subject to the transaction was stolen;

4 (7) Any scrap metal business to possess private metal property or
5 commercial metal property that was not lawfully purchased or received
6 under the requirements of this chapter; (~~(8)~~)

7 (8) Any scrap metal business to engage in a series of transactions
8 valued at less than thirty dollars with the same seller for the
9 purposes of avoiding the requirements of RCW 19.290.030(4); or

10 (9) Any person to knowingly make a false or fictitious oral or
11 written statement or to furnish or exhibit any false, fictitious, or
12 misrepresented identification, with the intent to deceive a scrap metal
13 business as to the actual seller of the scrap metal.

14 **Sec. 11.** RCW 19.290.090 and 2008 c 233 s 8 are each amended to
15 read as follows:

16 The provisions of this chapter do not apply to transactions
17 involving metal from the components of vehicles acquired by vehicle
18 wreckers, hulk haulers, or scrap processors licensed under chapter
19 46.79 or 46.80 RCW, and acquired in accordance with those laws or
20 transactions conducted by the following:

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

22 (~~(2) ((Metal from the components of vehicles acquired by vehicle~~
23 ~~wreckers or hulk haulers licensed under chapter 46.79 or 46.80 RCW, and~~
24 ~~acquired in accordance with those laws;~~

25 ~~(3))~~ Persons in the business of operating an automotive repair
26 facility as defined under RCW 46.71.011; and

27 ~~((4))~~ (3) Persons in the business of buying or selling empty food
28 and beverage containers, including metal food and beverage containers.

29 NEW SECTION. **Sec. 12.** A new section is added to chapter 19.290
30 RCW to read as follows:

31 (1) It is unlawful for a person to engage in the business of a
32 scrap metal processor, scrap metal recycler, or scrap metal supplier
33 without having first applied for and received a scrap metal license.

34 (2)(a) Except as provided in (b) of this subsection, a person or
35 firm engaged in the unlawful activity described in this section is
36 guilty of a gross misdemeanor.

1 (b) A second or subsequent offense is a class C felony.

2 NEW SECTION. **Sec. 13.** A new section is added to chapter 19.290
3 RCW to read as follows:

4 Application for a scrap metal license or renewal of a scrap metal
5 license shall be made on a form for this purpose, furnished by the
6 department of licensing, and shall be signed by the license holder or
7 his or her authorized agent and shall include the following
8 information:

9 (1) Name and address of the person, firm, partnership, association,
10 limited liability company, or corporation under which name the business
11 is to be conducted;

12 (2) Names and residence address of all persons having an interest
13 in the business or, if the owner is a corporation, the names and
14 addresses of the officers thereof;

15 (3) Certificate of approval of the chief executive officer or chief
16 of police, or a designee, if the application is for a license within an
17 incorporated city or town or, in any unincorporated area, the county
18 legislative authority, the sheriff, or a designee, certifying that:

19 (a) The applicant has an established place of business at the
20 address shown on the application;

21 (b) There are no known environmental, building code, zoning, or
22 other land use regulation violations associated with the business being
23 located at the address; and

24 (c) In the case of a renewal of a scrap metal license, the
25 applicant is in compliance with this chapter: PROVIDED, That an
26 authorized representative of the department of licensing may make the
27 certification described in this section in any instance;

28 (4) Any other information that the department of licensing may
29 require.

30 NEW SECTION. **Sec. 14.** A new section is added to chapter 19.290
31 RCW to read as follows:

32 The application, together with the required fee, shall be forwarded
33 to the department of licensing. Upon receipt of the application the
34 department shall, if the application is in order, issue a scrap metal
35 license authorizing the processor, recycler, or supplier to do business
36 as such and forward the fee to the state treasurer. Upon receiving the

1 certificate, the owner shall cause it to be prominently displayed in
2 the place of business, where it may be inspected by an investigating
3 officer at any time. Every license must be issued in the name of the
4 applicant and the holder thereof may not allow any other person to use
5 the license.

6 NEW SECTION. **Sec. 15.** A new section is added to chapter 19.290
7 RCW to read as follows:

8 Before issuing a scrap metal license to a scrap metal processor or
9 scrap metal recycler, the department of licensing shall require the
10 applicant to file with the department a surety bond in the amount of
11 ten thousand dollars, running to the state of Washington, and executed
12 by a surety company authorized to do business in the state of
13 Washington. The bond shall be approved as to form by the attorney
14 general and conditioned upon the licensee conducting the business in
15 conformity with the provisions of this chapter. Except as prohibited
16 elsewhere in this chapter, any person who has suffered loss or damage
17 by reason of fraud or gross negligence, or an intentional or reckless
18 violation of the terms of this chapter, or misrepresentation on the
19 part of the scrap metal processor or recycler, may institute an action
20 for recovery against the licensee and surety upon the bond. However,
21 the aggregate liability of the surety to all persons shall in no event
22 exceed the amount of the bond.

23 NEW SECTION. **Sec. 16.** A new section is added to chapter 19.290
24 RCW to read as follows:

25 A license issued on the scrap metal license application remains in
26 force until suspended or revoked and may be renewed annually upon
27 reapplication and upon payment of the required fee. A licensee who
28 fails or neglects to renew the license before the assigned expiration
29 date shall pay the fee for an original scrap metal license as provided
30 in this chapter.

31 Whenever a scrap metal processor, recycler, or supplier ceases to
32 do business as such or the license has been suspended or revoked, the
33 licensee shall immediately surrender the license to the department of
34 licensing.

1 NEW SECTION. **Sec. 17.** A new section is added to chapter 19.290
2 RCW to read as follows:

3 The licensee shall obtain a special set of license plates in
4 addition to the regular licenses and plates required for the operation
5 of such vehicles. The special plates must be displayed on vehicles
6 owned and/or operated by the licensee and used in the conduct of the
7 business. The fee for these plates shall be five dollars for the
8 original plates and two dollars for each additional set of plates
9 bearing the same license number. A licensee with more than one
10 licensed location in the state may use special plates bearing the same
11 license number for vehicles operated out of any of the licensed
12 locations.

13 NEW SECTION. **Sec. 18.** A new section is added to chapter 19.290
14 RCW to read as follows:

15 The uniform regulation of business and professions act, chapter
16 18.235 RCW, governs unlicensed practice, the issuance and denial of
17 licenses, and the discipline of licensees under this chapter.

18 NEW SECTION. **Sec. 19.** A new section is added to chapter 19.290
19 RCW to read as follows:

20 If a person whose scrap metal license has previously been canceled
21 for cause by the department of licensing files an application for a
22 license to conduct business as a scrap metal processor, recycler, or
23 supplier, or if the department is of the opinion that the application
24 is not filed in good faith or that the application is filed by some
25 person as a subterfuge for the real person in interest whose license
26 has previously been canceled for cause, the department may refuse to
27 issue the person a license to conduct business as a scrap metal
28 processor, recycler, or supplier.

29 NEW SECTION. **Sec. 20.** A new section is added to chapter 19.290
30 RCW to read as follows:

31 (1) The director of licensing is hereby authorized to adopt
32 reasonable rules and regulations not in conflict with provisions hereof
33 for the proper operation and enforcement of this chapter.

34 (2) The director shall set all license and renewal fees in
35 accordance with RCW 43.24.086.

1 (2) The persons subpoenaed may be required to testify and produce
2 any books, papers, records, data, vehicles, or metal property that the
3 director of licensing deems relevant or material to the inquiry.

4 (3) The director of the department of licensing or an authorized
5 agent may administer an oath to the person required to testify, and a
6 person giving false testimony after the administration of the oath is
7 guilty of perjury in the first degree under RCW 9A.72.020.

8 (4)(a) Any authorized representative of the director of the
9 department of licensing may apply for and obtain a superior court order
10 approving and authorizing a subpoena in advance of its issuance. The
11 application may be made in the county where the subpoenaed person
12 resides or is found, or the county where the subpoenaed records or
13 documents are located, or in Thurston county. The application must:

14 (i) State that an order is sought pursuant to this subsection;
15 (ii) Adequately specify the records, documents, or testimony; and
16 (iii) Declare under oath that an investigation is being conducted
17 for a lawfully authorized purpose related to an investigation within
18 the department's authority and that the subpoenaed documents or
19 testimony are reasonably related to an investigation within the
20 department's authority.

21 (b) Where the application under this subsection is made to the
22 satisfaction of the court, the court must issue an order approving the
23 subpoena. An order under this subsection constitutes authority of law
24 for the agency to subpoena the records or testimony.

25 (c) Any authorized representative of the director of the department
26 of licensing may seek approval and a court may issue an order under
27 this subsection without prior notice to any person, including the
28 person to whom the subpoena is directed and the person who is the
29 subject of an investigation.

30 (5) Any records created or produced under this section are exempt
31 from disclosure under chapter 42.56 RCW.

32 NEW SECTION. **Sec. 24.** A new section is added to chapter 36.28A
33 RCW to read as follows:

34 (1) When funded, the Washington association of sheriffs and police
35 chiefs shall establish a grant program to assist local law enforcement
36 agencies in the support of special enforcement emphasis targeting metal

1 theft. Grant applications shall be reviewed and awarded through peer
2 review panels. Grant applicants are encouraged to utilize
3 multijurisdictional efforts.

4 (2) Each grant applicant shall:

5 (a) Show a significant metal theft problem in the jurisdiction or
6 jurisdictions receiving the grant;

7 (b) Verify that grant awards are sufficient to cover increased
8 investigation, prosecution, and jail costs;

9 (c) Design an enforcement program that best suits the specific
10 metal theft problem in the jurisdiction or jurisdictions receiving the
11 grant;

12 (d) Demonstrate community coordination focusing on prevention,
13 intervention, and suppression; and

14 (e) Collect data on performance.

15 (3) The cost of administering the grants shall not exceed sixty
16 thousand dollars, or three percent of appropriated funding, whichever
17 is greater.

18 (4) Grant awards may not be used to supplant preexisting funding
19 sources for special enforcement targeting metal theft.

20 NEW SECTION. **Sec. 25.** A new section is added to chapter 19.290
21 RCW to read as follows:

22 (1) Law enforcement agencies may register with the scrap theft
23 alert system that is maintained and provided at no charge to users by
24 the institute of scrap recycling industries, incorporated, or its
25 successor organization, to receive alerts regarding thefts of private,
26 nonferrous, or commercial metal property in the relevant geographic
27 area.

28 (2) Any business licensed under this chapter shall:

29 (a) Sign up with the scrap theft alert system that is maintained
30 and provided at no charge to users by the institute of scrap recycling
31 industries, incorporated, or its successor organization, to receive
32 alerts regarding thefts of private, nonferrous, or commercial metal
33 property in the relevant geographic area;

34 (b) Download the scrap metal theft alerts generated by the scrap
35 theft alert system on a daily basis;

36 (c) Use the alerts to identify potentially stolen commercial metal
37 property, nonferrous metal property, and private metal property; and

1 (d) Maintain for ninety days copies of any theft alerts received
2 and downloaded pursuant to this section.

3 **Sec. 26.** RCW 9.94A.515 and 2012 c 176 s 3 and 2012 c 162 s 1 are
4 each reenacted and amended to read as follows:

5 TABLE 2

6 CRIMES INCLUDED WITHIN

7 EACH SERIOUSNESS LEVEL

- 8 XVI Aggravated Murder 1 (RCW
9 10.95.020)
- 10 XV Homicide by abuse (RCW 9A.32.055)
11 Malicious explosion 1 (RCW
12 70.74.280(1))
13 Murder 1 (RCW 9A.32.030)
- 14 XIV Murder 2 (RCW 9A.32.050)
15 Trafficking 1 (RCW 9A.40.100(1))
- 16 XIII Malicious explosion 2 (RCW
17 70.74.280(2))
18 Malicious placement of an explosive 1
19 (RCW 70.74.270(1))
- 20 XII Assault 1 (RCW 9A.36.011)
21 Assault of a Child 1 (RCW 9A.36.120)
22 Malicious placement of an imitation
23 device 1 (RCW 70.74.272(1)(a))
24 Promoting Commercial Sexual Abuse
25 of a Minor (RCW 9.68A.101)
26 Rape 1 (RCW 9A.44.040)
27 Rape of a Child 1 (RCW 9A.44.073)
28 Trafficking 2 (RCW 9A.40.100(2))
- 29 XI Manslaughter 1 (RCW 9A.32.060)
30 Rape 2 (RCW 9A.44.050)
31 Rape of a Child 2 (RCW 9A.44.076)
32 Vehicular Homicide, by being under
33 the influence of intoxicating liquor
34 or any drug (RCW 46.61.520)
- 35 X Child Molestation 1 (RCW 9A.44.083)

1 Criminal Mistreatment 1 (RCW
2 9A.42.020)
3 Indecent Liberties (with forcible
4 compulsion) (RCW
5 9A.44.100(1)(a))
6 Kidnapping 1 (RCW 9A.40.020)
7 Leading Organized Crime (RCW
8 9A.82.060(1)(a))
9 Malicious explosion 3 (RCW
10 70.74.280(3))
11 Sexually Violent Predator Escape
12 (RCW 9A.76.115)
13 IX Abandonment of Dependent Person 1
14 (RCW 9A.42.060)
15 Assault of a Child 2 (RCW 9A.36.130)
16 Explosive devices prohibited (RCW
17 70.74.180)
18 Hit and Run--Death (RCW
19 46.52.020(4)(a))
20 Homicide by Watercraft, by being
21 under the influence of intoxicating
22 liquor or any drug (RCW
23 79A.60.050)
24 Inciting Criminal Profiteering (RCW
25 9A.82.060(1)(b))
26 Malicious placement of an explosive 2
27 (RCW 70.74.270(2))
28 Robbery 1 (RCW 9A.56.200)
29 Sexual Exploitation (RCW 9.68A.040)
30 VIII Arson 1 (RCW 9A.48.020)
31 Commercial Sexual Abuse of a Minor
32 (RCW 9.68A.100)
33 Homicide by Watercraft, by the
34 operation of any vessel in a
35 reckless manner (RCW
36 79A.60.050)
37 Manslaughter 2 (RCW 9A.32.070)

1 Promoting Prostitution 1 (RCW
2 9A.88.070)
3 Theft of Ammonia (RCW 69.55.010)
4 Vehicular Homicide, by the operation
5 of any vehicle in a reckless manner
6 (RCW 46.61.520)
7 VII Burglary 1 (RCW 9A.52.020)
8 Child Molestation 2 (RCW 9A.44.086)
9 Civil Disorder Training (RCW
10 9A.48.120)
11 Dealing in depictions of minor engaged
12 in sexually explicit conduct 1
13 (RCW 9.68A.050(1))
14 Drive-by Shooting (RCW 9A.36.045)
15 Homicide by Watercraft, by disregard
16 for the safety of others (RCW
17 79A.60.050)
18 Indecent Liberties (without forcible
19 compulsion) (RCW 9A.44.100(1)
20 (b) and (c))
21 Introducing Contraband 1 (RCW
22 9A.76.140)
23 Malicious placement of an explosive 3
24 (RCW 70.74.270(3))
25 Negligently Causing Death By Use of a
26 Signal Preemption Device (RCW
27 46.37.675)
28 Sending, bringing into state depictions
29 of minor engaged in sexually
30 explicit conduct 1 (RCW
31 9.68A.060(1))
32 Unlawful Possession of a Firearm in
33 the first degree (RCW 9.41.040(1))
34 Use of a Machine Gun in Commission
35 of a Felony (RCW 9.41.225)

1 Vehicular Homicide, by disregard for
2 the safety of others (RCW
3 46.61.520)

4 VI Bail Jumping with Murder 1 (RCW
5 9A.76.170(3)(a))
6 Bribery (RCW 9A.68.010)
7 Incest 1 (RCW 9A.64.020(1))
8 Intimidating a Judge (RCW 9A.72.160)
9 Intimidating a Juror/Witness (RCW
10 9A.72.110, 9A.72.130)
11 Malicious placement of an imitation
12 device 2 (RCW 70.74.272(1)(b))
13 Possession of Depictions of a Minor
14 Engaged in Sexually Explicit
15 Conduct 1 (RCW 9.68A.070(1))
16 Rape of a Child 3 (RCW 9A.44.079)
17 Theft of a Firearm (RCW 9A.56.300)
18 Unlawful Storage of Ammonia (RCW
19 69.55.020)

20 V Abandonment of Dependent Person 2
21 (RCW 9A.42.070)
22 Advancing money or property for
23 extortionate extension of credit
24 (RCW 9A.82.030)
25 Bail Jumping with class A Felony
26 (RCW 9A.76.170(3)(b))
27 Child Molestation 3 (RCW 9A.44.089)
28 Criminal Mistreatment 2 (RCW
29 9A.42.030)
30 Custodial Sexual Misconduct 1 (RCW
31 9A.44.160)
32 Dealing in Depictions of Minor
33 Engaged in Sexually Explicit
34 Conduct 2 (RCW 9.68A.050(2))

1 Domestic Violence Court Order
2 Violation (RCW 10.99.040,
3 10.99.050, 26.09.300, 26.10.220,
4 26.26.138, 26.50.110, 26.52.070,
5 or 74.34.145)
6 Driving While Under the Influence
7 (RCW 46.61.502(6))
8 Extortion 1 (RCW 9A.56.120)
9 Extortionate Extension of Credit (RCW
10 9A.82.020)
11 Extortionate Means to Collect
12 Extensions of Credit (RCW
13 9A.82.040)
14 Incest 2 (RCW 9A.64.020(2))
15 Kidnapping 2 (RCW 9A.40.030)
16 Perjury 1 (RCW 9A.72.020)
17 Persistent prison misbehavior (RCW
18 9.94.070)
19 Physical Control of a Vehicle While
20 Under the Influence (RCW
21 46.61.504(6))
22 Possession of a Stolen Firearm (RCW
23 9A.56.310)
24 Rape 3 (RCW 9A.44.060)
25 Rendering Criminal Assistance 1
26 (RCW 9A.76.070)
27 Sending, Bringing into State Depictions
28 of Minor Engaged in Sexually
29 Explicit Conduct 2 (RCW
30 9.68A.060(2))
31 Sexual Misconduct with a Minor 1
32 (RCW 9A.44.093)
33 Sexually Violating Human Remains
34 (RCW 9A.44.105)
35 Stalking (RCW 9A.46.110)
36 Taking Motor Vehicle Without
37 Permission 1 (RCW 9A.56.070)

1 IV Arson 2 (RCW 9A.48.030)
2 Assault 2 (RCW 9A.36.021)
3 Assault 3 (of a Peace Officer with a
4 Projectile Stun Gun) (RCW
5 9A.36.031(1)(h))
6 Assault by Watercraft (RCW
7 79A.60.060)
8 Bribing a Witness/Bribe Received by
9 Witness (RCW 9A.72.090,
10 9A.72.100)
11 Cheating 1 (RCW 9.46.1961)
12 Commercial Bribery (RCW 9A.68.060)
13 Counterfeiting (RCW 9.16.035(4))
14 Endangerment with a Controlled
15 Substance (RCW 9A.42.100)
16 Escape 1 (RCW 9A.76.110)
17 Hit and Run--Injury (RCW
18 46.52.020(4)(b))
19 Hit and Run with Vessel--Injury
20 Accident (RCW 79A.60.200(3))
21 Identity Theft 1 (RCW 9.35.020(2))
22 Indecent Exposure to Person Under
23 Age Fourteen (subsequent sex
24 offense) (RCW 9A.88.010)
25 Influencing Outcome of Sporting Event
26 (RCW 9A.82.070)
27 Malicious Harassment (RCW
28 9A.36.080)
29 Possession of Depictions of a Minor
30 Engaged in Sexually Explicit
31 Conduct 2 (RCW 9.68A.070(2))
32 Residential Burglary (RCW
33 9A.52.025)
34 Robbery 2 (RCW 9A.56.210)
35 Theft of Livestock 1 (RCW 9A.56.080)
36 Threats to Bomb (RCW 9.61.160)

1 Trafficking in Stolen Property 1 (RCW
2 9A.82.050)
3 Unlawful factoring of a credit card or
4 payment card transaction (RCW
5 9A.56.290(4)(b))
6 Unlawful transaction of health
7 coverage as a health care service
8 contractor (RCW 48.44.016(3))
9 Unlawful transaction of health
10 coverage as a health maintenance
11 organization (RCW 48.46.033(3))
12 Unlawful transaction of insurance
13 business (RCW 48.15.023(3))
14 Unlicensed practice as an insurance
15 professional (RCW 48.17.063(2))
16 Use of Proceeds of Criminal
17 Profiteering (RCW 9A.82.080 (1)
18 and (2))
19 Vehicular Assault, by being under the
20 influence of intoxicating liquor or
21 any drug, or by the operation or
22 driving of a vehicle in a reckless
23 manner (RCW 46.61.522)
24 Viewing of Depictions of a Minor
25 Engaged in Sexually Explicit
26 Conduct 1 (RCW 9.68A.075(1))
27 Willful Failure to Return from
28 Furlough (RCW 72.66.060)
29 III Animal Cruelty 1 (Sexual Conduct or
30 Contact) (RCW 16.52.205(3))
31 Assault 3 (Except Assault 3 of a Peace
32 Officer With a Projectile Stun
33 Gun) (RCW 9A.36.031 except
34 subsection (1)(h))
35 Assault of a Child 3 (RCW 9A.36.140)
36 Bail Jumping with class B or C Felony
37 (RCW 9A.76.170(3)(c))

1 Burglary 2 (RCW 9A.52.030)
2 Communication with a Minor for
3 Immoral Purposes (RCW
4 9.68A.090)
5 Criminal Gang Intimidation (RCW
6 9A.46.120)
7 Custodial Assault (RCW 9A.36.100)
8 Cyberstalking (subsequent conviction
9 or threat of death) (RCW
10 9.61.260(3))
11 Escape 2 (RCW 9A.76.120)
12 Extortion 2 (RCW 9A.56.130)
13 Harassment (RCW 9A.46.020)
14 Intimidating a Public Servant (RCW
15 9A.76.180)
16 Introducing Contraband 2 (RCW
17 9A.76.150)
18 Malicious Injury to Railroad Property
19 (RCW 81.60.070)
20 Mortgage Fraud (RCW 19.144.080)
21 Negligently Causing Substantial Bodily
22 Harm By Use of a Signal
23 Preemption Device (RCW
24 46.37.674)
25 Organized Retail Theft 1 (RCW
26 9A.56.350(2))
27 Perjury 2 (RCW 9A.72.030)
28 Possession of Incendiary Device (RCW
29 9.40.120)
30 Possession of Machine Gun or Short-
31 Barreled Shotgun or Rifle (RCW
32 9.41.190)
33 Promoting Prostitution 2 (RCW
34 9A.88.080)
35 Retail Theft with Extenuating
36 Circumstances 1 (RCW
37 9A.56.360(2))

1 Securities Act violation (RCW
2 21.20.400)
3 Tampering with a Witness (RCW
4 9A.72.120)
5 Telephone Harassment (subsequent
6 conviction or threat of death)
7 (RCW 9.61.230(2))
8 Theft of Livestock 2 (RCW 9A.56.083)
9 Theft with the Intent to Resell 1 (RCW
10 9A.56.340(2))
11 Trafficking in Stolen Property 2 (RCW
12 9A.82.055)
13 Unlawful Hunting of Big Game 1
14 (RCW 77.15.410(3)(b))
15 Unlawful Imprisonment (RCW
16 9A.40.040)
17 Unlawful possession of firearm in the
18 second degree (RCW 9.41.040(2))
19 Unlawful Taking of Endangered Fish
20 or Wildlife 1 (RCW
21 77.15.120(3)(b))
22 Unlawful Trafficking in Fish, Shellfish,
23 or Wildlife 1 (RCW
24 77.15.260(3)(b))
25 Unlawful Use of a Nondesignated
26 Vessel (RCW 77.15.530(4))
27 Vehicular Assault, by the operation or
28 driving of a vehicle with disregard
29 for the safety of others (RCW
30 46.61.522)
31 Willful Failure to Return from Work
32 Release (RCW 72.65.070)
33 II Commercial Fishing Without a License
34 1 (RCW 77.15.500(3)(b))
35 Computer Trespass 1 (RCW
36 9A.52.110)
37 Counterfeiting (RCW 9.16.035(3))

1 Engaging in Fish Dealing Activity
2 Unlicensed 1 (RCW 77.15.620(3))
3 Escape from Community Custody
4 (RCW 72.09.310)
5 Failure to Register as a Sex Offender
6 (second or subsequent offense)
7 (RCW 9A.44.132)
8 Health Care False Claims (RCW
9 48.80.030)
10 Identity Theft 2 (RCW 9.35.020(3))
11 Improperly Obtaining Financial
12 Information (RCW 9.35.010)
13 Malicious Mischief 1 (RCW
14 9A.48.070)
15 Organized Retail Theft 2 (RCW
16 9A.56.350(3))
17 Possession of Stolen Property 1 (RCW
18 9A.56.150)
19 Possession of a Stolen Vehicle (RCW
20 9A.56.068)
21 Retail Theft with Extenuating
22 Circumstances 2 (RCW
23 9A.56.360(3))
24 Scrap Processing, Recycling, or
25 Supplying Without a License
26 (second or subsequent offense)
27 (section 12 of this act)
28 Theft 1 (RCW 9A.56.030)
29 Theft of a Motor Vehicle (RCW
30 9A.56.065)
31 Theft of Rental, Leased, or Lease-
32 purchased Property (valued at one
33 thousand five hundred dollars or
34 more) (RCW 9A.56.096(5)(a))
35 Theft with the Intent to Resell 2 (RCW
36 9A.56.340(3))

1 Trafficking in Insurance Claims (RCW
2 48.30A.015)
3 Unlawful factoring of a credit card or
4 payment card transaction (RCW
5 9A.56.290(4)(a))
6 Unlawful Participation of Non-Indians
7 in Indian Fishery (RCW
8 77.15.570(2))
9 Unlawful Practice of Law (RCW
10 2.48.180)
11 Unlicensed Practice of a Profession or
12 Business (RCW 18.130.190(7))
13 Unlawful Purchase or Use of a License
14 (RCW 77.15.650(3)(b))
15 Unlawful Trafficking in Fish, Shellfish,
16 or Wildlife 2 (RCW
17 77.15.260(3)(a))
18 Voyeurism (RCW 9A.44.115)
19 I Attempting to Elude a Pursuing Police
20 Vehicle (RCW 46.61.024)
21 False Verification for Welfare (RCW
22 74.08.055)
23 Forgery (RCW 9A.60.020)
24 Fraudulent Creation or Revocation of a
25 Mental Health Advance Directive
26 (RCW 9A.60.060)
27 Malicious Mischief 2 (RCW
28 9A.48.080)
29 Mineral Trespass (RCW 78.44.330)
30 Possession of Stolen Property 2 (RCW
31 9A.56.160)
32 Reckless Burning 1 (RCW 9A.48.040)
33 Spotlighting Big Game 1 (RCW
34 77.15.450(3)(b))
35 Suspension of Department Privileges 1
36 (RCW 77.15.670(3)(b))

1 Taking Motor Vehicle Without
2 Permission 2 (RCW 9A.56.075)
3 Theft 2 (RCW 9A.56.040)
4 Theft of Rental, Leased, or Lease-
5 purchased Property (valued at two
6 hundred fifty dollars or more but
7 less than one thousand five
8 hundred dollars) (RCW
9 9A.56.096(5)(b))
10 Transaction of insurance business
11 beyond the scope of licensure
12 (RCW 48.17.063)
13 Unlawful Fish and Shellfish Catch
14 Accounting (RCW
15 77.15.630(3)(b))
16 Unlawful Issuance of Checks or Drafts
17 (RCW 9A.56.060)
18 Unlawful Possession of Fictitious
19 Identification (RCW 9A.56.320)
20 Unlawful Possession of Instruments of
21 Financial Fraud (RCW 9A.56.320)
22 Unlawful Possession of Payment
23 Instruments (RCW 9A.56.320)
24 Unlawful Possession of a Personal
25 Identification Device (RCW
26 9A.56.320)
27 Unlawful Production of Payment
28 Instruments (RCW 9A.56.320)
29 Unlawful Release of Deleterious Exotic
30 Wildlife (RCW 77.15.250(2)(b))
31 Unlawful Trafficking in Food Stamps
32 (RCW 9.91.142)
33 Unlawful Use of Food Stamps (RCW
34 9.91.144)
35 Unlawful Use of Net to Take Fish 1
36 (RCW 77.15.580(3)(b))

1 Unlawful Use of Prohibited Aquatic
2 Animal Species (RCW
3 77.15.253(3))
4 Vehicle Prowl 1 (RCW 9A.52.095)
5 Violating Commercial Fishing Area or
6 Time 1 (RCW 77.15.550(3)(b))

7 NEW SECTION. **Sec. 27.** A new section is added to chapter 19.290
8 RCW to read as follows:

9 (1) The following personal property is subject to seizure and
10 forfeiture and no property right exists in them: All personal property
11 including, but not limited to, any item, object, tool, substance,
12 device, weapon, machine, vehicle of any kind, money, security, or
13 negotiable instrument, which the seizing agency proves by a
14 preponderance of the evidence was used or intended to be used by its
15 owner or the person in charge to knowingly or intentionally facilitate
16 the commission of, or to knowingly or intentionally abet the commission
17 of, a crime involving theft, trafficking, or unlawful possession of
18 commercial metal property, or which the seizing agency proves by a
19 preponderance of the evidence was knowingly or intentionally furnished
20 or was intended to be furnished by any person in the commission of, as
21 a result of, or as compensation for the commission of, a crime
22 involving theft, trafficking, or the unlawful possession of commercial
23 metal property, or which the property owner acquired in whole or in
24 part with proceeds traceable to a knowing or intentional commission of
25 a crime involving the theft, trafficking, or unlawful possession of
26 commercial metal property provided that such activity is not less than
27 a class C felony; except that:

28 (a) No vehicle used by any person as a common carrier in the
29 transaction of business as a common carrier is subject to forfeiture
30 under this section unless the seizing agency proves by a preponderance
31 of the evidence that the owner or other person in charge of the vehicle
32 is a consenting party or is privy to any crime involving theft,
33 trafficking, or the unlawful possession of commercial metal property;

34 (b) A forfeiture of property encumbered by a bona fide security
35 interest is subject to the interest of the secured party if the secured
36 party neither had actual or constructive knowledge of nor consented to

1 the commission of any crime involving the theft, trafficking, or
2 unlawful possession of commercial metal property; and

3 (c) A property owner's property is not subject to seizure if an
4 employee or agent of that property owner uses the property owner's
5 property to knowingly or intentionally facilitate the commission of, or
6 to knowingly or intentionally aid and abet the commission of, a crime
7 involving theft, trafficking, or unlawful possession of commercial
8 metal property, in violation of that property owner's instructions or
9 policies against such activity, and without the property owner's
10 knowledge or consent.

11 (2) The following real property is subject to seizure and
12 forfeiture and no property right exists in them: All real property,
13 including any right, title, and interest in the whole of any lot or
14 tract of land, and any appurtenances or improvements, that the seizing
15 agency proves by a preponderance of the evidence are being used with
16 the knowledge of the owner for the intentional commission of any crime
17 involving the theft, trafficking, or unlawful possession of commercial
18 metal property, or which have been acquired in whole or in part with
19 proceeds traceable to the commission of any crime involving the
20 trafficking, theft, or unlawful possession of commercial metal, if such
21 activity is not less than a class C felony and a substantial nexus
22 exists between the commission of the violation or crime and the real
23 property. However:

24 (a) No property may be forfeited pursuant to this subsection (2),
25 to the extent of the interest of an owner, by reason of any act or
26 omission committed or omitted without the owner's actual or
27 constructive knowledge; and further, a property owner's real property
28 is not subject to seizure if an employee or agent of that property
29 owner uses the property owner's real property to knowingly or
30 intentionally facilitate the commission of, or to knowingly or
31 intentionally aid and abet the commission of, a crime involving theft,
32 trafficking, or unlawful possession of commercial metal property, in
33 violation of that property owner's instructions or policies against
34 such activity, and without the property owner's knowledge or consent;
35 and

36 (b) A forfeiture of real property encumbered by a bona fide
37 security interest is subject to the interest of the secured party if

1 the secured party, neither had actual or constructive knowledge, nor
2 consented to the act or omission.

3 (3) Property subject to forfeiture under this chapter may be seized
4 by any law enforcement officer of this state upon process issued by any
5 superior court having jurisdiction over the property. Seizure of real
6 property shall include the filing of a lis pendens by the seizing
7 agency. Real property seized under this section shall not be
8 transferred or otherwise conveyed until ninety days after seizure or
9 until a judgment of forfeiture is entered, whichever is later:
10 PROVIDED, That real property seized under this section may be
11 transferred or conveyed to any person or entity who acquires title by
12 foreclosure or deed in lieu of foreclosure of a security interest.
13 Seizure of personal property without process may be made if:

14 (a) The seizure is incident to an arrest or a search under a search
15 warrant; or

16 (b) The property subject to seizure has been the subject of a prior
17 judgment in favor of the state in a criminal injunction or forfeiture
18 proceeding.

19 (4) In the event of seizure pursuant to this section, proceedings
20 for forfeiture shall be deemed commenced by the seizure. The law
21 enforcement agency under whose authority the seizure was made shall
22 cause notice to be served within fifteen days following the seizure on
23 the owner of the property seized and the person in charge thereof and
24 any person having any known right or interest therein, including any
25 community property interest, of the seizure and intended forfeiture of
26 the seized property. Service of notice of seizure of real property
27 shall be made according to the rules of civil procedure. However, the
28 state may not obtain a default judgment with respect to real property
29 against a party who is served by substituted service absent an
30 affidavit stating that a good faith effort has been made to ascertain
31 if the defaulted party is incarcerated within the state, and that there
32 is no present basis to believe that the party is incarcerated within
33 the state. The notice of seizure of personal property may be served by
34 any method authorized by law or court rule including but not limited to
35 service by certified mail with return receipt requested. Service by
36 mail shall be deemed complete upon mailing within the fifteen day
37 period following the seizure. Notice of seizure in the case of
38 property subject to a security interest that has been perfected by

1 filing a financing statement in accordance with chapter 62A.9A RCW, or
2 a certificate of title shall be made by service upon the secured party
3 or the secured party's assignee at the address shown on the financing
4 statement or the certificate of title.

5 (5) If no person notifies the seizing law enforcement agency in
6 writing of the person's claim of ownership or right to possession of
7 items specified in subsection (1) of this section within forty-five
8 days of the seizure in the case of personal property and ninety days in
9 the case of real property, the item seized shall be deemed forfeited.
10 The community property interest in real property of a person whose
11 spouse or domestic partner committed a violation giving rise to seizure
12 of the real property may not be forfeited if the person did not
13 participate in the violation.

14 (6) If a person notifies the seizing law enforcement agency in
15 writing of the person's claim of ownership or right to possession of
16 the seized property within forty-five days of the seizure in the case
17 of personal property and ninety days in the case of real property, the
18 law enforcement agency shall give the person or persons a reasonable
19 opportunity to be heard as to the claim or right. The hearing shall be
20 before the chief law enforcement officer of the seizing agency or the
21 chief law enforcement officer's designee, except where the seizing
22 agency is a state agency as defined in RCW 34.12.020(4), the hearing
23 shall be before the chief law enforcement officer of the seizing agency
24 or an administrative law judge appointed under chapter 34.12 RCW,
25 except that any person asserting a claim or right may remove the matter
26 to a court of competent jurisdiction. Removal may only be accomplished
27 according to the rules of civil procedure. The person seeking removal
28 of the matter must serve process against the state, county, political
29 subdivision, or municipality that operates the seizing agency, and any
30 other party of interest, in accordance with RCW 4.28.080 or 4.92.020,
31 within forty-five days after the person seeking removal has notified
32 the seizing law enforcement agency of the person's claim of ownership
33 or right to possession. The court to which the matter is to be removed
34 shall be the district court when the aggregate value of the property is
35 within the jurisdictional limit set forth in RCW 3.66.020. A hearing
36 before the seizing agency and any appeal therefrom shall be under Title
37 34 RCW. In a court hearing between two or more claimants to the
38 property involved, the prevailing party shall be entitled to a judgment

1 for costs and reasonable attorneys' fees. The burden of producing
2 evidence shall be upon the person claiming to be the lawful owner or
3 the person claiming to have the lawful right to possession of the
4 property.

5 (7) At the hearing, the seizing agency has the burden of proof to
6 establish by a preponderance of the evidence that seized property is
7 subject to forfeiture, and that the use or intended use of the seized
8 property in connection with a crime pursuant to this section occurred
9 with the owner's actual or constructive knowledge or consent. The
10 person claiming to be the lawful owner or the person claiming to have
11 the lawful right to possession of the property has the burden of proof
12 to establish by a preponderance of the evidence that the person owns or
13 has a right to possess the seized property. The possession of bare
14 legal title is not sufficient to establish ownership of seized property
15 if the seizing agency proves by a preponderance of the evidence that
16 the person claiming ownership or right to possession is a nominal owner
17 and did not actually own or exert a controlling interest in the
18 property.

19 The seizing law enforcement agency shall promptly return the
20 property to the claimant upon a determination by the administrative law
21 judge or court that the claimant is the present lawful owner or is
22 lawfully entitled to possession of the property.

23 (8) When property is forfeited under this chapter, after satisfying
24 any court-ordered victim restitution, the seizing law enforcement
25 agency may:

26 (a) Retain it for official use or, upon application by any law
27 enforcement agency of this state, release such property to such agency;
28 or

29 (b) Sell that which is not required to be destroyed by law and
30 which is not harmful to the public.

31 (9)(a) Within one hundred twenty days after the entry of an order
32 of forfeiture, each seizing agency shall remit to, if known, the victim
33 of the crime involving the seized property, an amount equal to fifty
34 percent of the net proceeds of any property forfeited.

35 (b) Retained property and net proceeds not required to be paid to
36 victims shall be retained by the seizing law enforcement agency
37 exclusively for the expansion and improvement of law enforcement

1 activity. Money retained under this section may not be used to
2 supplant preexisting funding sources.

3 (c) The net proceeds of forfeited property is the value of the
4 forfeitable interest in the property after deducting the cost of
5 satisfying any bona fide security interest to which the property is
6 subject at the time of seizure; and in the case of sold property, after
7 deducting the cost of sale, including reasonable fees or commissions
8 paid to independent selling agents, and the cost of any valid
9 landlord's claim for damages.

10 (d) The value of sold forfeited property is the sale price. The
11 value of retained forfeited property is the fair market value of the
12 property at the time of seizure, determined when possible by reference
13 to an applicable commonly used index, such as the index used by the
14 department of licensing for valuation of motor vehicles. A seizing
15 agency may use, but need not use, an independent qualified appraiser to
16 determine the value of retained property. If an appraiser is used, the
17 value of the property appraised is net of the cost of the appraisal.
18 The value of destroyed property and retained firearms or illegal
19 property is zero.

20 (10) Upon the entry of an order of forfeiture of real property, the
21 court shall forward a copy of the order to the assessor of the county
22 in which the property is located. Orders for the forfeiture of real
23 property shall be entered by the superior court, subject to court
24 rules. Such an order shall be filed by the seizing agency in the
25 county auditor's records in the county in which the real property is
26 located.

27 NEW SECTION. **Sec. 28.** A new section is added to chapter 19.290
28 RCW to read as follows:

29 The provisions of this chapter shall be liberally construed to the
30 end that traffic in stolen private metal property or nonferrous metal
31 property may be prevented, and irresponsible, unreliable, or dishonest
32 persons may be prevented from engaging in the business of processing,
33 recycling, or supplying scrap metal in this state and reliable persons
34 may be encouraged to engage in businesses of processing, recycling, or
35 supplying scrap metal in this state.

1 **Sec. 29.** RCW 18.235.020 and 2010 c 179 s 18 are each amended to
2 read as follows:

3 (1) This chapter applies only to the director and the boards and
4 commissions having jurisdiction in relation to the businesses and
5 professions licensed under the chapters specified in this section.
6 This chapter does not apply to any business or profession not licensed
7 under the chapters specified in this section.

8 (2)(a) The director has authority under this chapter in relation to
9 the following businesses and professions:

10 (i) Auctioneers under chapter 18.11 RCW;

11 (ii) Bail bond agents and bail bond recovery agents under chapter
12 18.185 RCW;

13 (iii) Camping resorts' operators and salespersons under chapter
14 19.105 RCW;

15 (iv) Commercial telephone solicitors under chapter 19.158 RCW;

16 (v) Cosmetologists, barbers, manicurists, and estheticians under
17 chapter 18.16 RCW;

18 (vi) Court reporters under chapter 18.145 RCW;

19 (vii) Driver training schools and instructors under chapter 46.82
20 RCW;

21 (viii) Employment agencies under chapter 19.31 RCW;

22 (ix) For hire vehicle operators under chapter 46.72 RCW;

23 (x) Limousines under chapter 46.72A RCW;

24 (xi) Notaries public under chapter 42.44 RCW;

25 (xii) Private investigators under chapter 18.165 RCW;

26 (xiii) Professional boxing, martial arts, and wrestling under
27 chapter 67.08 RCW;

28 (xiv) Real estate appraisers under chapter 18.140 RCW;

29 (xv) Real estate brokers and salespersons under chapters 18.85 and
30 18.86 RCW;

31 (xvi) Scrap metal processors, scrap metal recyclers, and scrap
32 metal suppliers under chapter 19.290 RCW;

33 (xvii) Security guards under chapter 18.170 RCW;

34 (~~(xvii)~~) (xviii) Sellers of travel under chapter 19.138 RCW;

35 (~~(xviii)~~) (xix) Timeshares and timeshare salespersons under
36 chapter 64.36 RCW;

37 (~~(xix)~~) (xx) Whitewater river outfitters under chapter 79A.60
38 RCW;

1 (~~(xx)~~) (xxi) Home inspectors under chapter 18.280 RCW;
2 (~~(xxi)~~) (xxii) Body artists, body piercers, and tattoo artists,
3 and body art, body piercing, and tattooing shops and businesses, under
4 chapter 18.300 RCW; and
5 (~~(xxii)~~) (xxiii) Appraisal management companies under chapter
6 18.310 RCW.

7 (b) The boards and commissions having authority under this chapter
8 are as follows:

9 (i) The state board (~~(of registration)~~) for architects established
10 in chapter 18.08 RCW;

11 (ii) The Washington state collection agency board established in
12 chapter 19.16 RCW;

13 (iii) The state board of registration for professional engineers
14 and land surveyors established in chapter 18.43 RCW governing licenses
15 issued under chapters 18.43 and 18.210 RCW;

16 (iv) The funeral and cemetery board established in chapter 18.39
17 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

18 (v) The state board of licensure for landscape architects
19 established in chapter 18.96 RCW; and

20 (vi) The state geologist licensing board established in chapter
21 18.220 RCW.

22 (3) In addition to the authority to discipline license holders, the
23 disciplinary authority may grant or deny licenses based on the
24 conditions and criteria established in this chapter and the chapters
25 specified in subsection (2) of this section. This chapter also governs
26 any investigation, hearing, or proceeding relating to denial of
27 licensure or issuance of a license conditioned on the applicant's
28 compliance with an order entered under RCW 18.235.110 by the
29 disciplinary authority.

30 **Sec. 30.** RCW 43.24.150 and 2011 c 298 s 25 are each amended to
31 read as follows:

32 (1) The business and professions account is created in the state
33 treasury. All receipts from business or professional licenses,
34 registrations, certifications, renewals, examinations, or civil
35 penalties assessed and collected by the department from the following
36 chapters must be deposited into the account:

37 (a) Chapter 18.11 RCW, auctioneers;

- 1 (b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;
2 (c) Chapter 18.145 RCW, court reporters;
3 (d) Chapter 18.165 RCW, private investigators;
4 (e) Chapter 18.170 RCW, security guards;
5 (f) Chapter 18.185 RCW, bail bond agents;
6 (g) Chapter 18.280 RCW, home inspectors;
7 (h) Chapter 19.16 RCW, collection agencies;
8 (i) Chapter 19.31 RCW, employment agencies;
9 (j) Chapter 19.105 RCW, camping resorts;
10 (k) Chapter 19.138 RCW, sellers of travel;
11 (l) Chapter 42.44 RCW, notaries public;
12 (m) Chapter 64.36 RCW, timeshares;
13 (n) Chapter 67.08 RCW, boxing, martial arts, and wrestling;
14 (o) Chapter 18.300 RCW, body art, body piercing, and tattooing;
15 (p) Chapter 79A.60 RCW, whitewater river outfitters; (~~and~~)
16 (q) Chapter 19.158 RCW, commercial telephone solicitation; and
17 (r) Chapter 19.290 RCW, scrap metal businesses.

18 Moneys in the account may be spent only after appropriation.
19 Expenditures from the account may be used only for expenses incurred in
20 carrying out these business and professions licensing activities of the
21 department. Any residue in the account must be accumulated and may not
22 revert to the general fund at the end of the biennium.

23 (2) The director must biennially prepare a budget request based on
24 the anticipated costs of administering the business and professions
25 licensing activities listed in subsection (1) of this section, which
26 must include the estimated income from these business and professions
27 fees.

28 NEW SECTION. **Sec. 31.** A new section is added to chapter 43.43 RCW
29 to read as follows:

30 (1) Beginning on July 1, 2014, when funded, the Washington
31 association of sheriffs and police chiefs shall implement and operate
32 an ongoing electronic statewide no-buy list database program.

33 (2) The database must be made available on a web site.

34 (3) The no-buy list database program shall allow for any scrap
35 metal business to enter a customer's name and date of birth into the
36 database. The database must determine if the customer pursuing the

1 transaction with the scrap metal business has been convicted in
2 Washington of any crime involving burglary, robbery, theft, or
3 possession of or receiving stolen property within the past four years.

4 (4) If the customer has been convicted of any crime involving
5 burglary, robbery, theft, or possession of or receiving stolen property
6 within the past four years despite whether the person was acting in his
7 or her own behalf or as the agent of another then, at a minimum, the
8 no-buy list database program must immediately send an alert to the
9 scrap metal business stating: (a) That the customer is listed on a
10 current no-buy list, (b) the four-year expiration period for the
11 customer's most recent crime listed, and (c) a notification that
12 entering into a transaction with the customer is prohibited under RCW
13 19.290.070.

14 NEW SECTION. **Sec. 32.** A new section is added to chapter 19.290
15 RCW to read as follows:

16 A scrap metal business shall, before completing any transaction
17 under this chapter, determine whether such customer is listed in the
18 Washington association of sheriffs and police chiefs no-buy list
19 database program established and made available under section 31 of
20 this act.

21 NEW SECTION. **Sec. 33.** A new section is added to chapter 43.43 RCW
22 to read as follows:

23 The Washington association of sheriffs and police chiefs shall not
24 be held liable for civil damages resulting from any act or omission in
25 carrying out the requirements of section 31 of this act other than an
26 act or omission constituting gross negligence or willful or wanton
27 misconduct.

28 NEW SECTION. **Sec. 34.** If one million five hundred thousand
29 dollars for the purposes of this act, referencing this act by bill or
30 chapter number, is not provided by June 30, 2013, in the omnibus
31 appropriations act, this act is null and void.

32 NEW SECTION. **Sec. 35.** Sections 12 through 23 of this act take
33 effect January 1, 2014.

1 NEW SECTION. **Sec. 36.** The director of the department of licensing
2 may take the necessary steps to ensure that sections 12 through 23 of
3 this act are implemented on January 1, 2014.

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